Enhancement Policy Manual

Revised November 27, 2014

Alberta Human Services

Introduction to the Enhancement Policy Manual

Overview

The Enhancement Policy Manual (Manual) contains policies and procedures that direct casework staff when delivering services under the *Child, Youth and Family Enhancement Act* (CYFEA). The policies have been written in a second person active voice and directly address casework staff unless another role is specifically identified.

The Manual is comprised of three distinct parts:

- Enhancement Policy Manual – Intervention,
- Enhancement Policy Manual – Placement Resources, and
- Enhancement Policy Manual – Adoption

Policies regarding working with sexually exploited children under the *Protection of Sexually Exploited Children Act* (PSECA) are located in the Protection of Sexually Exploited Children Policy Manual.

The Manual is designed for online use:

- the Table of Contents and the "Search" function can be used to locate information on specific topics
- links will make it easier to move between policies, different parts of the Manual and other references
- cross-references between the policies in the three parts are indicated at the end of each policy, as is described below
- *"To report a broken link click here"* will appear regularly

Provincial and Regional Policies

The Manual is provincial policy and procedural requirements that all casework staff in Child and Family Services Authorities (CFSAs) and Delegated First Nation Agencies (DFNAs) are expected to comply with. The policies provide direction and procedures for most common situations.

If an exceptional situation arises that is not addressed in the Manual, discuss the circumstance with a casework supervisor or manager and determine a plan of action that is consistent with CYFEA and the procedures outlined in this manual. Consultation with Ministry staff and/or the statutory Director will be available as required.

Regional Policy

Individual regions may choose to develop additional policy and procedural expectations to provide further direction to their staff to meet the operational requirements for the region while adhering to provincial policy requirements.

Regional policy supplements provincial policy. Where regional policy conflicts with provincial policy, **provincial policy takes precedence**.

Directives

Provincial directives issued by the statutory Director provide interim practice direction to casework staff in CFSAs and DFNAs until such time as a provincial policy is approved for inclusion in the Manual.

Legislative Timelines

Legislative timelines outlined in policy come directly from either CYFEA or the associated regulations and **must** be followed; there is no flexibility in meeting the timelines.

Terminology

Below is a list of commonly used terms, acronyms, and legislative references found throughout the Manual.

Terms

Term	References
administrative support	administrative support person
adult	a person 18 years of age and over
caseworker	caseworkers, assessors, intake workers; anyone who performs the task addressed in the policy
casework supervisor	supervisor of a unit or program
child	a person under the age of 18 years
contract	contract, fee-for-service agreement, block funding
contract consultant	consultant, specialist, or manager responsible for negotiating and managing contracts

Term	References
director	a general reference to staff (e.g. caseworkers, casework supervisors, managers, etc.) who are delegated under CYFEA to deliver mandated services on behalf of the statutory Director
First Nations designate	a person designated by the council of the band in planning for services for a child (per s.107) or in decisions related to the adoption of a child (per s.67(1))
foster care provider	foster home, foster care placement, foster family
foster care worker	performs tasks related to the recruitment, approval process and support of a foster home, foster care placement, foster care provider
guardian	per s.1(1)(l), a person who is or is appointed a guardian of the child under Part 2 of the *Family Law Act* or a person who is a guardian of the child under an agreement or order made pursuant to CYFEA; as a guardian is not necessarily a biological parent of a child
in care	refers to a child who is in the care and custody of the director under – an apprehension order, – an emergency apprehension, – a custody agreement, – a temporary guardianship order or – a permanent guardianship agreement or order
intervention services	any services, including enhancement and protective services, provided to a child or family under CYFEA, excluding Part 2 (adoptions) or Part 3 (licensing of residential facilities)
kinship care provider	kinship home, kinship care placement
kinship care worker	performs tasks related to the recruitment, approval process and support of a kinship home, kinship care placement, kinship care provider

Term	References
licensing officer	performs the tasks associated with licensing per the Delegation Schedule
manager	manager in the organization; commonly the worksite or program manager, but may also refer to senior or executive managers
regional designate	a person who is delegated by the Child and Family Services Regional Director or DFNA Director to perform specific tasks
placement provider	foster care, kinship care and child and youth facility placement
region(s)	CFSAs and DFNAs
regional	applies to both Child and Family Services Authorities and Delegated First Nation Agencies
Social Enhancement Legal Team	formerly Family Law
statutory Director	Director of the Child, Youth and Family Enhancement Act
supervisor	supervisor of a unit, program or casework supervisor
youth	child that is 16-17-years-old
young adult	person that is 18-24-years-old
young person	child, youth and young adult

Acronyms

Full Term	Acronym in Policy
Alberta Foster Parent Association	AFPA
Absent Without Leave	AWOL
Child and Family Services Authority	CFSA
Child Youth Information Module	CYIM
Criminal Record Check	CRC
Custody Agreement with Guardian	CAG
Custody Agreement with Youth	CAY
Custody Order	CO
Delegated First Nations Agency	DFNA
Enhancement Agreement with Youth	EAY
Family Enhancement Agreement with Guardian or Custodian	FEA
Foster Allegation Support Team	FAST
Family Support for Children with Disabilities	FSCD
Human Services	HS
Intervention Record Check	IRC
Intervention Services Information System	ISIS
Maintenance Enforcement Program	MEP
Orientation to Caregiver Training	OCT
Office of the Child and Youth Advocate	OCYA
Ongoing Assessment	OA
Post Adoption Registrar	PAR
Permanent Guardianship Agreement	PGA
Permanent Guardianship Order	PGO
Registered Education Savings Plan	RESP
Royal Canadian Mounted Police	RCMP
Safety Assessment	SA
Secure Services Order	SSO

Structured Analysis Family Evaluation	SAFE
Supervision Order	SO
Support and Financial Assistance Agreement	SFAA
Temporary Guardianship Order	TGO

Legislation and Regulation

Full Title	Acronym in Policy
Child and Youth Advocate Act	CYAA
Child Care Licensing Act	CCLA
Child, Youth and Family Enhancement Act	CYFEA
Child, Youth and Family Enhancement Regulation	the regulation
Drug-endangered Children Act	DECA
Family Law Act	FLA
Family Support for Children with Disabilities Act	FSCD Act
Freedom of Information and Protection of Privacy Act	FOIP
Health Information Act	HIA
Protection Against Family Violence Act	PAFVA
Protection of Children Abusing Drugs Act	PChAD
Protection of Sexually Exploited Children Act	PSECA
Residential Facilities Licensing Regulation	RFLR
Youth Criminal Justice Act	YCJA

Policy Manual Chapters, Sections and Subsections

The chapters, sections and subsections of the Enhancement Policy Manual have been reorganized for better flow and easier access to grouped information.

Each policy has a header that identifies the **Chapter, Section and Subsection**, as appropriate.

Many chapters have an overview. Overviews contain common elements to subsequent policies and are very important to read.

Consistent headings, as shown below, are used within the individual policies, under which similar types of information are found.

An example of the header, the headings within the policies and the information located under each heading is on the following two pages.

Chapter 1: General Information

Section:	**1.1 Records**	Issue Date: October 1, 2011
Subsection:	**1.1.0 Records Overview**	Revision Date: October 1, 2011
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Chapter refers to the overarching subject matter of the policies grouped in the chapter.

Section and Subsection headings refer to more specific content in policies, which are grouped by closely related subject matter.

The Issue Date is the date that the policy takes effect.

The Revision Date is the date that a policy is revised, and in the future, will be the easiest way to determine if the most current policy is being utilized.

Page 1 of X indicates how many pages a specific policy consists of; subsequent pages in a policy have a running header that identifies the chapter, section and subsection numbers (as applicable), the policy title, and what page of the policy is in the current view.

Policy

A statement of the rule, and indicate the position, outcome and or values that will be addressed.

Purpose

A concise statement of the rationale for the policy, and will include reference to legislation, regulation, protocols or best practice.

Procedures

Detailed step-by-step instructions in order to comply with the policy and perform the required tasks. Multiple subheadings will identify specific procedural requirements.

NOTE: Notes are in red text and highlight important information.

Related Information

Located at the end of each policy, the information provided here is intended to provide additional resources for all casework staff.

The icons and type of information found are as follows:

📓 List of *relevant* related policies

👤 List of links to related legislation and regulations

📝 List of related Forms [CSXXXX]

ⓘ List of links to relevant websites, protocols

Light blue text found under the related information heading indicates that a hyperlink exists. Clicking on the light blue text will take you to the reference indicated.

If accessing a form, you will be prompted for your MyAgent user name and password to access the form on the eFormLinks, which is the central forms site for the Government of Alberta.

NOTE: The Manual is available to the public online; links to internal materials, such as forms, will require you to enter your ID and password.

Appendices

Appendices are individual chapters in the policy manual. They provide valuable information that is essential in delivering intervention services to children, youth, young adults and families.

There are 4 appendices in this manual:

- **Appendix A – Delegation of Authority** – delineates who can do what under CYFEA and related legislations. This appendix includes an overview of delegation, the Delegation Schedule and explains how and when interim delegation may occur.
- **Appendix B – Protocols** – provides a list and description of provincial protocols and guides, relevant to the families involved with HS.
- **Appendix C – Matter Returned to the Director for Further Consideration** – details the process that the statutory Director follows when a matter is returned to the statutory Director for further consideration after an appeal panel hearing per the legislation.
- **Appendix D – Practice Supports** – details casework considerations or supporting information for staff in addition to what is outlined in policy.

Intervention

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Chapter 1: General Information

Section:	**1.1 Records**	Issue Date: October 1, 2011
Subsection:	**1.1.0 Records Overview**	Revision Date: October 1, 2011
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Overview

S.127(2) requires intervention staff to keep records regarding each child who is the subject of an investigation, order or agreement under the Act.

S.127(1) describes materials that are included as part of a record.

S.7 of the Regulation also requires that a director must keep records with respect to a child who is the subject of an investigation, agreement or order under the Act or any predecessor to the Act.

> NOTE: Case law has established that contracted agencies that are acting in the stead of a director also have a statutory duty to keep these records.

The record for a child consists of information held in a paper file and information captured in an electronic information system.

The format of the paper file is set by the Senior Records Officer of the Ministry, as published in the Child Intervention File Standard. The file standard describes what documents are to be placed on the paper file and what documentation is captured in the electronic information system.

The format of the electronic record is set by the relevant program areas.

The content of the records is determined by the relevant program policy.

The security of the records is governed by the following:

- S.38 FOIP,
- Alberta Human Services Security Policy (2007),
- GoA Security Directives,
- Records Management Regulation, and
- File Standards.

The Security for the Tablet booklet is a training document available through Worklinks, and provides guidance related to the secure use of tablets.

Purpose

The management of records is an important function for Human Services staff. Government employees are required to accurately document all work related activities by creating complete and accurate records, and filing these records in official filing systems.

S.35(a) of FOIP requires that a public body must make every reasonable effort to ensure that personal information it uses is accurate and complete.

Accurate, complete and timely recording is not a separate function but an integral part of the casework process.

Procedures

Recording Information in a Record

Record personal information and non-personal information and maintain it on the person's record according to statutory requirements and program policies.

Refer to "Collection of Information" in policy 1.1.1 Recording Information.

Complete all relevant forms, reports and documents in hard copy, and all required screens in the electronic information system.

Record every report or allegation that a child may be in need of intervention as defined by CYFEA, and information about the report including:

- inquiries into the report,
- assessments/investigations,
- actions taken,
- services provided, and
- all other activities associated with the case.

Ensure that all information recorded relates to the child.

Youth Criminal Justice Information

If personal information is collected under the YCJA:

- ensure the information is recorded, retained and released according to the Young Offender Protocol, and

- flag both the paper file and the electronic record to indicate they contain YCJA information.

Removing Records from a Worksite

Remove records from a worksite only with the consent of a supervisor and as required for purposes such as a fatality inquiry, litigation, or a referral to the Office of the Public Trustee. The removal of information from a child's record may consist of documents from the child's paper file or information captured on an electronic memory device, which must be encrypted.

When removing a record from a worksite, ensure that the following practices are observed:

- Remove the record only with the supervisor's consent and follow sign out procedures set out by the manager.
- Transport the record in a locked container such as a briefcase.
- Do not leave the record unattended unless it is locked in a secure manner.
- When using the record, ensure that only authorized persons have access to the record.
- Contact the Human Services Security Office if there are questions about specific file security practices that may be required at your worksite.
- Refer to the File Standards for instructions regarding the transfer of paper files between worksites.

FOIP Requests

If a person makes a request to access a record under the FOIP Act, provide the person with a Request for Access to Information [IPO481] and assist the person in completing the form, if required.

Persons may also contact the Information Privacy Office (IPO) by phone at 780-427-2805.

NOTE: Any information released from a file must be vetted; either by the Information and Privacy Office for a FOIP request or by legal counsel if released for litigation purposes.

Correction of Personal Information in a Record

Under s.36 of FOIP, if a person feels there is an error or omission in their personal information in their record, they can make a request to correct the information.

- Per s.36(2) of FOIP, an opinion cannot be corrected; only factual information can be corrected.

- Per s.36(3), if a decision is made that the requested correction will not be made, there must be an annotation or a linkage on the file between the information in question and the requested correction.
- Per s.36(3) of FOIP, if information is corrected, any public body or third party to whom the information was disclosed within one year of the correction must be notified of the correction.
- Per s.36(7) of FOIP, a written notification within 30 days of the request must be provided to the individual requesting the correction, advising them of the decision with regard to their request.
- Document the request for the correction of information on the file.
- Document the response to the request by indicating if:
  - a correction was made, or
  - an annotation, or linkage of the personal information on the file to the requested information was made.
- Contact the IPO for assistance in this area.

Related Information

1.2.0 Releasing Information

Freedom of Information and Protection of Privacy (FOIP) Act

Request for Access to Information [IPO0481]

Alberta Human Services Security Policy (2007)
Enhancement Act File Standards, March 2010
GoA Security Directives
Information and Privacy Office (IPO)
Official and Transitory Records: A Guide for Government of Alberta Employees
Records Management Regulation
Security for the Tablet
Youth Criminal Justice Protocol

To report a broken link click *here*.

Section: **1.1 Records**	Issue Date: October 1, 2011
Subsection: **1.1.1 Recording Contacts and Collection of Personal Information**	Revision Date: April 1, 2012
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Policy

S.127(2) requires intervention staff to keep records regarding each child who is the subject of an investigation, order or agreement under CYFEA.

S.126(3) provides the authority for a director, including an agency providing services on behalf of a director, to collect and use "personal information", including health information, for the purposes of conducting an assessment, an investigation or providing services under CYFEA.

Personal information is defined in s.1(1)(q.01) by referencing the definition in s.1(n) in FOIP. Personal information includes information such as the individual's name, race, health information, educational information, criminal background, and anyone else's opinion about the individual.

Personal Information is subject to the confidentiality requirements of s.126 of CYFEA and FOIP, whereas there is no legal constraint regarding the collection and use of non-personal information.

S.126(5) provides authority for public bodies (e.g. hospitals and schools) to provide information to a director in the course of an assessment or investigation.

A record of all contacts with persons associated with a case and the collection of personal information must be documented and retained on either the paper file or the electronic information system.

Purpose

The collection of personal information and non-personal information provides a director with information to complete assessments and provide services under CYFEA.

The recording of contacts provides:

- a formal documentation of the contact that occurred,

- details of the contact (e.g. who, what, where, when, why),
- narrative notes about the information provided/collected,
- a record of activities on a case,
- a formal record of consultations with the supervisor and rationale for decision making,
- accountability for case related activities, and
- a means to monitor case activities (e.g. caseworker contacts with a child to meet intervention standards).

Recording contacts provides a permanent record of the contact and can be referenced for activities such as case planning, report writing, and completing assessment records.

Procedures

Collection of Personal Information

S.33 of FOIP provides the authority for a director to collect personal information about an individual as required by CYFEA.

S.34(1) of FOIP requires that personal information must be collected directly from the individual unless one or more of the exceptions described s.34(1) of FOIP apply.

Ensure that any collection of personal information meets at least one of the following criteria:

- The information is required in the administration of CYFEA.
- The information provides a record of casework activities on a case.
- The information is used to determine a child's need for intervention.
- The information is used to assess the child and family intervention needs and to support service planning.
- The information is used to provide casework supports and services.
- The information is used to support permanency planning for a child.

S.34(2) of FOIP requires that when collecting information directly from a person, that person must be advised of the following:

- the purpose for collecting the information,
- the specific authority to collect the information; i.e. CYFEA, and
- contact information about who can answer questions about the collection of the information.

NOTE: In instances where it may not be appropriate to advise an individual of the purpose for collecting information (e.g. in some investigations), review the reasons with the supervisor and document decisions regarding the collection of information.

Recording Contacts

Record all contacts as it relates to casework activities on a case.

Contact Types

Contact types include but are not limited to:

- direct face to face contact (e.g. with a child, placement provider or any person associated with a case)
- home visit
- office visit
- school visit
- case conference or family group conference
- video-conference
- court appearance
- judicial dispute resolution activities
- alternate dispute resolution activities
- consultations with a Band designate or Métis resource
- telephone
- voice mail
- fax
- other electronic communications

The record of a contact should consist of factual information and any part of the record that contains an opinion or an interpretation of facts should be identified as such. Complete the contact recording as soon as possible after the contact occurred, using one of the two methods below.

Methods of Recording Contacts

There are two primary methods for recording a contact:

1. contact log entries in the electronic information system, and
2. hand written contact notes

The **contact log is the preferred method of recording contacts** as it provides a structured, and system wide access to the record.

The **contact log** in the electronic information system must be used for all of the following contacts:

- all face to face contacts with a child, family and placement providers,
- consultations with a First Nations designate or Métis resource,
- mandatory notifications to the Office of the Child and Youth Advocate,
- all critical incident reports,
- any contacts that are monitored for intervention standards (refer to Child Intervention Standards),
- any information that is important to be available on a system wide basis to after hours, or other staff.

To complete a contact log entry, enter the information directly into the electronic information system by completing the mandatory fields of the contact log.

The **contact notes** may be used for all of the following contacts:

- any contacts that do not fall under the criteria set out for contact log entry above, and
- any notes that are important to help remind or prompt the caseworker when completing other documentation. (e.g. information that will be use for completing assessment records, updating school or health records, or legal or placement information).

To complete contact notes make legible hand written notes about a contact and include:

- time, date and location of contact
- names of the persons contacted
- type of contact
- narrative details about the contact
- other notes/details such as phone numbers, as necessary to form a record of the contact
- signature of the person making the note
- date signed

Handling of Contact Notes

- File the contact notes in the paper file.

- Place the original contact note on the relevant child's file and photocopies on sibling files.
- If the contact note applies to several children in a sibling group, place the original contact note on the youngest child's file and photocopies on sibling files.
- Provide copies to other caseworkers, for placement on related files such as placement provider files.

NOTE: If notes are made on a Contact Notes form and then entered on a Contact Log, the Contact Notes remain as part of the record and must be placed on the file.

Related Information

2.1.1 First Nations Designate

2.2.1 Métis Resource

7.1.2 Caseworker Contact

7.2 Critical Situations

Freedom of Information and Protection of Privacy Act

Contact Notes [CS0072]

Child Intervention Standards

To report a broken link click here.

Section:	**1.1 Records**	Issue Date: October 1, 2011
Subsection:	**1.1.2 Recording Information in the Electronic Information System – Intervention Services Information System (ISIS)**	Revision Date: May 1, 2014 Page 1 of 2

Policy

Enter information into the Intervention Services Information System (ISIS) as directed by policy and ISIS instruction materials.

Information captured in the electronic information system forms part of the child's information record.

Purpose

The electronic information system is used to capture case information and support intervention staff in completing casework functions. The primary purposes are:

- case management – to support case management functions
- statistical – to support intervention services reporting and research
- information management – to capture, organize and store information about a person or provider

Procedure

Update the electronic information system on an ongoing basis as information is received about a child or their family.

Update critical information such as legal authority and placement changes as promptly as possible and within a maximum of five working days.

Update alerts on an immediate basis.

Record contacts using the contact log.

Use the person search function to search for the record of any person registered in the system. Attach electronic pictures when available.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information

1.1.3 Intervention Records Check

Section:	**1.1 Records**	Issue Date: October 1, 2011
Subsection:	**1.1.3 Retention of Records**	Revision Date: October 1, 2011 Page 1 of 3

Policy

Per s.127(2) A director is required to keep records with respect to a child who is the subject of an investigation, agreement or order under CYFEA.

A record includes but is not limited to:

- assessment documents,
- contact notes,
- reports,
- photographs,
- letters, and
- other information whether in writing or in electronic form or reproduced by other means.

Retain records according to the retention schedule in the Records Retention and Disposition Schedule – Schedule Number 2006/009 Child Intervention Management, FOIP, the Records Management Regulation, and the principles contained in this policy.

Purpose

Records with respect to a child who is the subject of an investigation, agreement or order under CYFEA are retained to meet the requirements of s.127(2) and to provide a record of case activities, support casework decisions, and provide access to records for future reference.

Procedure

Principles

Retain records according to the following principles:

- Information gathered regarding a child receiving services under CYFEA is maintained in two forms: a paper file, and an electronic information system.
- The paper file is integrated into one file which is labelled by the name of the child or an identification number. If new information is received about a child with an open file, information is added to the existing file as required by the File Standards.
- The child's information, held in the electronic information system, is identified by the child's name and shows all cases in which the child is registered as a case member. The electronic information system also identifies the location of the paper file and name of the last caseworker involved with the case.
- The entire record about a child is retained until the part with the longest retention period reaches the end of that period. If new information is received about a child with an existing record, keep both the old and new information until all information reaches the end of its retention period.

Retention of Records

Per s.127(4) records shall be kept for 100 years after the year to which the information in the record relates.

Refer to the "Records Retention and Disposition Schedule – Schedule Number 2006/009" for a detailed description of the retention schedule of official records.

Refer to Official and Transitory Records: A Guide for Government of Alberta Employees; March 2004, for information about what represents an official record and a transitory record.

Handling of Records

A child's paper file shall be stored at the caseworker's worksite. When a file is closed, the file shall be stored at the worksite for two years and then forwarded to the Alberta Records Centre for storage.

Handling Records under a Litigation Hold Notice

A litigation hold is an advisory notice from Justice or the Senior Records Officer that a lawsuit has been filed or is expected to be filed against Human Services that requires the collection and preservation of GoA official and transitory records as part of an evidentiary process called a legal discovery.

A litigation hold temporarily suspends the approved retention and disposition schedules.

Ensure that no records which are subject to litigation hold are destroyed or deleted.

Contact the Human Services Senior Records Officer if more details are required.

Related Information

Freedom of Information and Protection of Privacy Act

Enhancement Act File Standards, March 2010

Records Retention and Disposition Schedule – Schedule Number/Status 2006/09 (Available from the Senior Records Officer of the Ministry)

Records Management Regulation

Official and Transitory Records: A Guide for Government of Alberta Employees

To report a broken link click here.

Section:	**1.1 Records**	Issue Date: October 1, 2011
Subsection:	**1.1.4 Restricting Intervention Records**	Revision Date: May 1, 2014 Page 1 of 3

Policy

Restrict access to an intervention record when a HS employee, or person in a governance position with HS, has a familial or a significant connection to the child or family receiving services.

Restrict access to an intervention record when the person receiving services has a high profile in the community.

Restrict access to information in an intervention record that relates to the adoption of the child per s.74.1(2).

An intervention record restriction can apply to all intervention program areas.

Restrict an intervention record at any point in the casework process, as soon as it is known that a restriction is required.

Purpose

Restriction of a record is used to protect the privacy and confidentiality of persons receiving intervention services.

Procedures

Decision

Determine in consultation with the supervisor if a person's intervention record needs to be restricted. The supervisor shall determine whether a case where a restriction has been created should be managed by another unit or office and if so, will negotiate the transfer.

Restriction of a Record for an Adopted Child

Enter a restriction for a child who has been placed for adoption.

Refer to the Adoption Manual for details on when to place the restriction.

It is the responsibility of the case owner to manually create the restriction for a child immediately upon the issuing of an adoption order for the child. This is a statutory obligation per s.74.1(2).

NOTE: The CYIM process of automatically restricting an adoption file when a file closes with a closure reason of "Adoption Order" will not occur in the electronic information system (ISIS).

Paper Storage & Handling of Restricted Records

When a record restriction is created, the supervisor shall identify one administrative support staff to complete the administrative work on the paper file.

Indicate clearly on the paper file cover that the record is restricted and identify names of the persons who have access, including administrative support, caseworker, supervisor, manager and other authorised access users.

Place the paper file in a locked cabinet with access controlled by the assigned administrative support staff member, the supervisor, or the manager. Sign the file in and out as required. Hand deliver any document related to the file directly to the next person who needs to handle it.

Restrictions in the Electronic Information System

In the electronic information system, each restriction will have a 'restriction owner' who will also be considered a 'restriction access user'. The restriction owner is responsible to maintain the list of restriction access users.

The reason for providing access to other restriction access users is recorded in the electronic information system and can include:

- administrative/financial management
- interdepartmental information request
- shared case management
- shared participant on a case

Restriction access can also be removed from a user for the following reasons:

- administrative/financial management complete
- closure of shared participant case
- case transfer
- interdepartmental information request complete

- provider no longer active
- shared case management complete

The electronic information system captures the name of the restriction owner, restriction access users, the reasons for the restriction, and review dates.

Other caseworkers, system users, including senior management, will also have access to restricted information, as determined by the organizational location.

NOTE: A restriction is placed against a person, not a file or case. Restricting a person will result in the restriction of all cases involving that person as a case participant.

When a caseworker completes a search for a person who has been restricted, only the reference number, name, city and date of birth of the person will be returned in the results. If the caseworker attempts to access the restricted person's home page, the following message will be displayed; "Restricted Person – Access Denied". The name of the restriction owner and contact information will also be displayed.

NOTE: There will be an indicator if alerts have been registered for the person, but no other details will be displayed.

Transfer of a Restricted Case

When a case is transferred (i.e. the case ownership changes) the restriction owner and the restriction access users must be updated. Caseworkers will be informed by a 'notification' when their restriction ownership or restriction access has changed. This includes instances where restriction access has been granted or ended for a caseworker.

Closure of a Restricted Case

When a restricted case is closed the restriction owner remains in place and there will be no end date for the restriction.

If the case is re-opened, the restriction must be transferred to the new caseworker by contacting the previous restriction owner, their supervisor or manager.

Related Information

1.5 Intervention Services with Employees and Individuals in Governance Positions

Enhancement Policy Manual – Adoption

Section:	**1.1. Records**	Issue Date: October 1, 2011
Subsection:	**1.1.5 Lost or Damaged Child's Record**	Revision Date: October 1, 2011
		Page 1 of 4

Policy

When a child's paper record or file (including Child Intervention, PSECA, Placement Resources, or Adoptions) has been lost or damaged, it must be reported to the following persons:

- casework supervisor
- statutory Director
- Human Services senior records officer
- Human Services information security officer
- regional records advisor (for support services)
- privacy officer for Alberta Human Services (if lost personal information may become accessible to unauthorised persons)

Every effort must be made to re-create a lost or damaged paper record with information and documents that are available from other sources.

When a record has been re-created a notation must be placed on the file to indicate that it is a re-created file.

NOTE: This policy pertains to the loss or damage of a child's paper record or file, or other hard copy document or electronic storage device such as a memory stick used to store documents from a child's record.

The terms "file" or "child's paper record" are used interchangeably.

This policy does not apply to information held in the electronic information system.

Purpose

Situations occur where a file may be lost, stolen, misplaced or damaged through fire, water damage, or other means. The reporting of a lost or damaged file provides acknowledgement that the file is incomplete and that a loss or damage to a record has occurred and that the record has been re-created to the most complete state that is possible.

Procedures

Search for a Missing File

If a file that is **active or has been closed for less than two years** is missing or cannot be located, complete a thorough search for the file, prior to reporting the file as lost or damaged.

- Check all areas within the office including the caseworker, supervisor and manager's offices.
- Check all active and semi-active records areas; e.g. file room, unit records areas, boxed files to be inventoried, etc.
- Check for misfiling, particularly around the areas where the file should be located.
- Check charge-out systems to determine if the file was borrowed by another body such as FOIP.
- Check the electronic information systems to determine if there was a file request and the file transferred.
- Determine if the client had involvement with another office and whether the files may have been combined.
- If a certain volume is missing, check with the previous office to determine that all of the volumes were transferred.
- Check the last records inventory to determine if the file was inadvertently boxed with other files.
- Check alias or aka names to determine if the file is filled under a different name.

If a file that **has been closed for more than two years** is missing or can not be located, check the following possible locations prior to reporting the file as lost or damaged.

- Review previous inventories, especially those that were completed two years after the closure date of the missing file.

- If the missing file is listed on an inventory and the Alberta Records Centre reports that the file is not in the box, request the entire box. The file may have been misfiled in the box.
- If the file is listed on the inventory and Alberta Records Centre reports that it cannot be located in the box, check the file request log to determine if the file had been previously requested and whether the file has been returned for re-filing, and request the Alberta Records Centre to determine if the file is waiting to be re-filed.
- Check the areas noted above where files were closed less than two years.

Reporting a Lost or Damaged Child's Record

When it becomes known that a file has been lost or damaged and the above steps have not located the file, immediately report this to:

- the supervisor, and
- the regional records advisor.

The supervisor is responsible to document the circumstances leading to the loss or damage of the record and prepare a report to:

- the statutory Director
- the Human Services senior records officer
- the Human Services information security officer
- the regional records advisor (for support services)
- the privacy officer for Alberta Human Services (if lost personal information may become accessible to unauthorised persons)

To complete this report use the Privacy or Security Breach Report.

Re-creating a Lost or Damaged File

Make every reasonable effort to re-create the file with as much of the original information as is possible, using any possible means such as:

- reproducing documents from the electronic information system,
- obtaining copies of legal documents from the court,
- obtaining copies of documents from other parties in possession of the documents, and
- having the current or past caseworkers, where possible, provide information about activities and events on the case.

Notation on a Re-created File

Once the assembly of all possible documents and information is complete, prepare a new file and place Notice and Acknowledgment of a Re-created File, [CS0021] in Section 1 of the file.

This form must be signed by a manger.

If at a later time the file is located or repaired, the re-created file continues to form part of the child's record and must be retained.

Recording

Report of a loss or damaged file is recorded by completing Privacy or Security Breach Report.

Place Notice and Acknowledgment of a Re-created File [CS0021] at the top of Section 1 in the file.

Related Information

Notice and Acknowledgment of a Lost or Damaged Child's Record [CS0021]

Enhancement Act File Standards, March 2010

Privacy or Security Breach Report

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.0 Releasing Information Overview**	Revision Date: April 1, 2012
		Page 1 of 5

Policy

Personal information contained in a child's intervention record shall be treated as confidential and can be released only as permitted by s.126, s.126.1, s.126.11, and s.126.2 of CYFEA and the provisions of FOIP.

The area of law pertaining to the release of personal information continues to evolve. If there are any questions about the release of information, consult with a supervisor, the Social Enhancement Legal Team, the CFSA or DFNA legal counsel, Legal Services Branch of Human Services, or the Information and Privacy Office responsible for Human Services.

Personal Information is defined in s.1(n) of FOIP and includes identifiable information about an individual such as name, address, race, health, personal history and any person's opinion about the individual. Most of the information collected for a child's record would be considered personal information. Non-personal information would include the name or address of a service provider or other information not related to a child or family member.

Reference to information respecting a child's record is not limited to written documents and can also include verbal communication.

Purpose

The release of personal information from an intervention record is affected by CYFEA, FOIP and by decisions of the courts.

The release of personal information from a child's intervention record may only occur as permitted by the appropriate legislation.

Procedures

When a request to release information contained in an intervention record is received, determine:

- who is making the request,
- what information is being requested, and
- the purpose for the request.

Use the responses to the above questions and the direction set out in the policies in this chapter to determine how to respond to a request for the release of information from a child's intervention record.

If there are questions about the release of information consult with a supervisor.

If there are questions regarding the legislation or legality of releasing or withholding information, consult with legal counsel.

Privileged Information

Per s.18 of the *Child and Youth Advocate Act*, information gathered under:

- s.9(2)(d), an investigation by the Advocate into system issues arising from the serious injury or the death of a child who was receiving services at the time of the injury or death; or
- under s.15(1), a report on the investigation;

is privileged information and cannot be used for evidence except for prosecution for perjury.

Per s.20 of the *Child and Youth Advocate Act* all information provided by a child to OCYA in confidence and all records created as a result of such communication are the privileged information of the child and cannot be used as evidence in any action or hearing without the consent of the chid. The only exception is if the information must be disclosed because the disclosure is required by s.4 of CYFEA.

Per s.126.1 the name of a person who makes a report to the director under s.4 or s.5 (reporting a child in need) and any information that would identify that person is the privileged information of the person making the report. This information **must not be released** and is not admissible as evidence in any action or proceeding before a court, an appeal panel, or inquiry without the permission of the person.

Per s.3.1(1) & (2) all information provided orally during alternative dispute resolution, and any records created, are confidential and the privileged information of the person providing the information. This information may not be disclosed except as outlined in s.3.1(3).

All communications, written or verbal, between a caseworker and their legal counsel is considered privileged information and should never be disclosed. The recording of communications between legal counsel and the caseworker should be clearly identified as solicitor-client privileged information.

Youth Criminal Justice Information

If a child's record contains information collected under the YCJA release information only according to YCJA and the Youth Criminal Justice Protocol.

Releasing Information to the Solicitor General

A request for information from the Solicitor General and Public Security falls under s.126(1)(e) and can be provided with the written consent of the Minister. Such consent is delegated through the minister to the regional authority.

Information that is required for planning or providing services or for the day to day care or education of a child may be provided without the consent of the Minister per s.126(1)(a).

Information identifying a reporter **may not be disclosed**.

If the child is under permanent or temporary guardianship, the caseworker may disclose information required for the care and treatment of the child.

For further details about the release of Information refer to Section 6 and Release of Information by the Child and Family Services Authority to Solicitor General and Public Security, in the Youth Criminal Justice Protocol.

Receiving YCJA Information

The YCJA sets out who has access to YCJA information.

A director may, upon request, have access to YCJA records when the director:

- has the legal authority of a parent of the youth during the course of a proceeding or sentence, or
- is engaged in the supervision or care of the child, or
- is conducting an investigation, or providing services under CYFEA.

The Authority must hold YCJA information in strict confidence and shall not disclose that information to any person unless disclosure is authorized under YCJA.

When a file contains YCJA information a label must be affixed on the front of the file. The label shall read:

> **"THIS FILE CONTAINS YOUTH CRIMINAL JUSTIVE INFORMATION AND THIS INFORMATION MAY NOT BE DISCLOSED EXCEPT IN ACCORDANCE WITH THE YOUTH CRIMINAL JUSTICE ACT'**

For further details about the access to information related to YCJA matters refer to Section 6 and Section 7, in the Youth Criminal Justice Protocol.

Third Party Information

Third party information shall not be released to any to any person who is not authorized or delegated to receive the information or is not assisting in the administration of CYFEA.

Third party information includes, but is not limited to:

- the identity of a placement provider,
- the identity of a child from another family receiving intervention services (e.g. an invoice that may contain names of other children), or
- the identity of other persons who are not the child or family receiving services.

NOTE: In all instances where it is unclear what information can be released and to whom, consult with the supervisor or legal counsel.

Related Information

1.2.1 Releasing Information for Providing Intervention Services
1.2.2 Releasing Information for a Court Proceeding
1.2.3 Releasing Information for a Law Enforcement Request
1.2.4 Releasing Information for a Civil Proceeding
1.2.5 Releasing Information for a Criminal Proceeding
1.2.6 Releasing Historical Information from an Intervention Record
1.2.7 Other Requests for Release of Information

Freedom of Information and Protection of Privacy Act (FOIP)
Health Information Act (HIA)
Youth Criminal Justice Act (YCJA)

Child and Youth Advocate Act

ⓘ Information and Privacy Office (IPO)
Phone: 780-427-2805

Youth Criminal Justice Protocol

To report a broken link click here.

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.1 Releasing Information for Providing Intervention Services**	Revision Date: October 1, 2011 Page 1 of 3

Policy

Personal Information contained in an intervention record must be treated as confidential.

Release personal information, as defined in s.1(n) of FOIP, for the purpose of providing intervention services only as permitted by s.126 of CYFEA and FOIP.

Purpose

The release of personal information to others involved in the administration of CYFEA supports effective coordination of intervention services.

Procedures

Release personal information only as permitted by s.126 and FOIP.

Do not release any information that is privileged.

Do not release information that identifies the name of a reporter as defined in s.4 and 5. If faced with a request for identification of a reporter, immediately notify a supervisor and obtain legal counsel if required.

When a guardian is requesting information about their child, determine whether the guardian is actively involved in the child's care and needs the information to plan for, or care for the child.

If unsure about to how respond to any request for personal information from an intervention record, consult with a supervisor, or obtain legal counsel from Alberta Justice, the Social Enhancement Legal Team, Legal Services Branch of Human Services, or if a DFNA, the legal counsel for the DFNA.

Releasing File Documents

If a guardian or child asks for a copy of a document, involve legal counsel in vetting the document before it is released.

If a formal request for documents is received, refer the child or guardian to the Information and Privacy Office.

Documents generated as part of the normal casework process, such as service plans, agreements should be provided to a guardian or child (as appropriate).

Other Requests

If a person not identified above (e.g. a person not directly involved in the case, or someone who is not assisting in the administration of CYFEA) asks for information from a file, advise the person that they may make a request for the information under FOIP and direct them to the Information and Privacy Office.

Recording

Ensure that all decisions, consultations, rationale for decisions and actions related to the release of information or documents are documented. Use Contact Notes [CS00072] or the contact log for documentation.

Related Information

1.2.0 Releasing Information Overview
1.2.2 Releasing Information for a CYFEA Court Hearing
1.2.3 Releasing Information for a Law Enforcement Request
1.2.4 Releasing Information for a Civil Proceeding
1.2.5 Releasing Information for a Criminal Proceeding
1.2.6 Releasing Historical Information from an Intervention Record
1.2.7 Other Requests for Release of Information

Freedom of Information and Protection of Privacy Act (FOIP)

Contact Notes [CS0072]

Information and Privacy Office (IPO)
Phone: 780-427-2805

Youth Criminal Justice Protocol

To report a broken link click here.

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.2 Disclosure of Information for a Court Proceeding**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Full disclosure of relevant information must be provided for an application under CYFEA that results in a court proceeding.

Disclose information as required by CYFEA, FOIP, case law, and the rules of evidence and civil procedure.

Purpose

The full disclosure of relevant information in a CYFEA court proceeding provides the court with the necessary information to make appropriate decisions and provides parties to the hearing access to the information used by the court to reach decisions.

Procedures

Disclosure of Information for a Court Proceeding when the Director is Represented by Legal Counsel

- Involve legal counsel on all issues in relation to disclosure of information.
- Ensure that legal counsel is provided with all documents from the file that are requested in a complete and timely manner.
- Place all written requests for information for disclosure purposes on the child's file.
- Document and place all verbal requests for information for disclosure purposes on the child's file.

Disclosure of Information for a Court Proceeding when the Director is not Represented by Legal Counsel

A director may be unrepresented by legal counsel at a hearing in instances such as a secure services application, or an application that is proceeding by consent. When proceeding without legal counsel:

- Review all documents before disclosing them to ensure there is no third party personal information, information that is subject to solicitor-client privilege, or reporter information contained in the information. Such information must be vetted from any document prior to being disclosed.
- Document on the child's file what document was disclosed, to whom, on what day, and for what type of court proceeding.
- Retain an exact copy of the document disclosed on the child's file.
- Consult with the supervisor, or legal counsel if required, if there are any questions about the disclosure of information.

Recording

Document all discussions and decisions relating to the disclosure of information on Contact Notes [CS0072] or the contact log.

Related Information

1.2.0 Releasing Information Overview

5.5 Court Procedures

8.1.1 Legal Representation for the Director

Freedom of Information and Protection of Privacy Act (FOIP)

Contact Notes [CS0072]

Information and Privacy Office (IPO)
Phone: 780-427-2805

To report a broken link click here.

Chapter 1: General Information

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.3 Releasing Information for a Law Enforcement Request**	Revision Date: April 1, 2012
		Page 1 of 2

Policy

Information may be provided to a law enforcement agency as permitted by s.126 of CYFEA and s.40(1)(q) of FOIP when sufficient reason is provided to indicate that the information will assist in an investigation related to a law enforcement proceeding.

S.126.1 of CYFEA and s.18 and s.20 of the *Child and Youth Advocate Act* outline the limitations on the release of certain privileged information.

Law enforcement refers to activities including policing, criminal intelligence operations, the investigation of complaints that could lead to a penalty or sanction, or a proceeding that could lead to a penalty or sanction.

The release of information to a law enforcement agency requires the consent of a director's representative with the delegated authority to release the information requested.

Purpose

Sharing information with law enforcement agencies supports collaboration between Human Services and law enforcement agencies.

Procedures

Receiving a Request for Information

When a request for information is received from a law enforcement agency, determine:

- Who is making the request?
- What is the reason for the request?
- What information is being requested? (e.g. a particular document?)

Whenever possible, ask that the request be made in writing. If this is not possible, document the information regarding the request.

Responding to a Request for Information

To respond to a request for information:

- Consult with a supervisor regarding the request.
- Obtain legal advice on how to handle the request.
- Ensure that all information has been vetted, **with** the involvement of legal counsel, before being released.

Obtain written consent to release the information using either the Consent to Release Information [CS0470] or Law Enforcement Disclosure [IPO2994].

Provide the information per the consent and the directions of the legal counsel.

Recording

Document all discussion relating to the release of information on a Contact Note [CS0072] or the contact log.

Place copies of requests for information and any consent to release information or law enforcement disclosure forms in the file.

Place copies of the information released on the file.

Related Information

1.2.0 Releasing Information Overview

Freedom of Information and Protection of Privacy Act (FOIP)
Child and Youth Advocate Act

Consent to Release Information [CS0470]
Contact Notes [CS0072]
Law Enforcement Disclosure [IPO2994]

To report a broken link click here.

Section:	**1.2. Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.4 Disclosure of Information for a Civil Proceeding**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Information may be released for a civil court proceeding as permitted by s.126 of CYFEA and FOIP.

A party to a civil matter may make an application to the court under s.126.11 for the disclosure of information that is held in an intervention record.

Purpose

Releasing information for a civil proceeding may provide important information to a court hearing a civil matter.

A civil action or matter is an action other than those under criminal law, usually pertaining to a dispute between two parties.

A party to a hearing refers to an active participant to a hearing, either as the participant who initiated the action or the person who is responding or defending themselves in the action.

A civil action can include a lawsuit where Human Services or an employee of Human Services is being sued, lawsuits where children in care or formerly in care are either plaintiffs or defendants in a proceeding, or matters under the *Family Law Act* or matters under the *Divorce Act*.

NOTE: This policy does to apply to proceedings under CYFEA.

Procedures

Responding to a Request for Information for a Civil Action

When a request for information for a civil action is received, immediately:

- notify the supervisor of the request,
- seek legal counsel, and

- provide any and all documents to the legal counsel.

If served with a notice for a court application regarding the release of information, a court order directing the release of information, or a subpoena directing the release of information, immediately:

- notify the supervisor of the request,
- seek legal counsel, and
- provide any and all documents to the legal counsel.

If a request for information is received verbally:

- determine who is making the request,
- what specific information is being requested,
- what is the purpose for requesting the information, and
- immediately advise the supervisor and seek legal advice

NOTE: In all instances where it is unclear what information can be released and to whom, consult with the supervisor or legal counsel.

- When notice of a civil action, or request for information for a civil action is received, ensure that the Legal Services Branch of Human Services, or legal counsel for the DFNA is notified.

Recording

Place any service documents received, or signed consents in the child's file.

Record on Contact Notes [CS0072] or a contact log the receipt of any information requests or notices, and any discussions related to the request.

Related Information

1.2.0 Releasing Information Overview

8.5 Receiving or Being Served with Court Documents

Freedom of Information and Protection of Privacy Act (FOIP)

Consent to Release Information [CS0470]

To report a broken link click here.

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.5 Releasing Information for a Criminal Proceeding**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Information may be released for a criminal proceeding as permitted by s.126 of CYFEA and FOIP.

Purpose

Releasing information for a criminal proceeding may provide a court with important information for a criminal hearing.

Procedures

Responding to a Request for Information for a Criminal Hearing

A request may be received for information for a criminal proceeding by any of the following means:

- verbal request,
- written request,
- court application,
- court order,
- subpoena, or
- any other document that requires the production and/or release of child intervention information.

Requests for information may be received:

- where a child in care is a criminal defendant and the defence lawyer has made a request for information, or
- a crown prosecutor may request information from an intervention record.

When any request for information is received, immediately:

- notify the supervisor, and
- seek legal counsel.

Legal counsel may be sought from the Social Enhancement Legal Team, Alberta Justice or Legal Services Branch of Human Services.

Recording

Record on Contact Notes [CS0072] or a contact log the receipt of any information requests, and the response to those requests.

Place any documents related to a request for information on the file.

Related Information

1.2.0 Releasing Information Overview

8.5 Receiving or Being Served with Court Documents

Freedom of Information and Protection of Privacy Act (FOIP)

Contact Notes [CS0072]

To report a broken link click here.

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.6 Releasing Historical Information from an Intervention Record**	Revision Date: April 1, 2012
		Page 1 of 2

Policy

Historical information may be released to an adult who, as a child received intervention services. Information contained in the intervention record that pertains to them may be released to that person.

Purpose

A person has the right to information that pertains to them that is contained in their intervention record.

S.126(1) and s.126.1 of CYFEA provide the authority to release information from a person's intervention file, to that person.

FOIP also supports the release of file information from a person's file to that person.

Procedures

Respond to a person's request for historical information as follows:

- When the person makes a request for historical information from their intervention record, direct the person to the office that that last managed the file, if the file has been closed for **less than two years**,
- When a request is received for information from an intervention record that has been closed for **more than two years**, direct the person to the Information and Privacy Office.

NOTE: Following the closure of a file, the service delivery office is responsible to store the file on-site for two years, after which the file is sent to the Alberta Records Centre (ARC) for storage and imaging.

Providing information and Materials from the Record

Provide information, materials, and documents from the record to the person as describe in the 3.2.3 Case Closure policy.

Recording

Carefully document what information, materials or documents were provided to the person from their record. Place a copy of the documentation on the file and return the file to storage.

Related Information

1.2.0 Releasing Information Overview

3.2.3 Case Closure

Freedom of Information and Privacy Act (FOIP)

Child and Youth Advocate Act

To report a broken link click here.

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.7 Other Requests to Release Information**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Information may be released for other requests as permitted by CYFEA and FOIP, and with appropriate consent to release the information.

Purpose

Release of information for other requests supports collaboration and information sharing.

Procedures

Fatality Inquiry

If a request for information for a fatality inquiry is received, notify the supervisor and contact the Legal Services Branch of Human Services **immediately**. Legal Services Branch will determine what legal counsel is required and may retain independent counsel.

Releasing Information for a Youth Criminal Justice (YCJA) Matter

If a youth involved in an YCJA matter has an intervention record, follow the procedure for sharing information in Youth Criminal Justice Protocol.

Requests for information from Solicitor General fall under s.126(1)(e) and require the written consent of the Minister. This consent is delegated through the Minister to the regional authority.

S.126(1)(a) allows disclosure of personal information necessary for planning or the day to day care of a youth, without the Minister's consent.

The disclosure of any information provided to the Solicitor General must be reviewed for vetting for reporter information, solicitor-client privileged information and third party information that has no relevance to the matter. This would also include vetting information that is potentially sensitive or harmful to the youth or poses a safety risk to a third party or caseworker.

Information identifying the reporter **may not be disclosed** by anyone other than the statutory Director.

If the youth or the youth's lawyer, or a guardian requests access to information in an intervention record consult with a supervisor and seek legal counsel to determine how to respond to the request.

Releasing Information with Ministerial Consent

Per s.126(1)(e) information may be disclosed with Ministerial consent.

In all instances where a request is received that will require the Minister's consent for disclosure of information, notify a supervisor and seek legal counsel on how to proceed.

Miscellaneous Request

If a request is made by other persons who are not providing services, or are third party individuals, or persons who have no connection to the case (including media):

- without confirming whether or not there is a record for the person, direct them to the Information and Privacy Office to make a request under FOIP.

Recording

Document all discussion relating to the release of information on a Contact Note [CS0072] or the contact log.

Place copies of requests for information and any consent to release information forms on the file.

Place copies of information that is disclosed on the file.

Related Information

1.2.0 Releasing Information Overview

Freedom of Information and Protection of Privacy Act (FOIP)
Youth Criminal Justice Act (YCJA)

Contact Notes [CS0072]

Consent to Release Information [CS0470]

Information and Privacy Office (IPO)
Phone: 780-427-2805

Youth Criminal Justice Protocol

To report a broken link click here.

Section:	**1.2 Releasing Information**	Issue Date: October 1, 2011
Subsection:	**1.2.8 Child's Involvement in a Research Project**	Revision Date: May 1, 2014 Page 1 of 4

Policy

The director's consent is required for a child, under the guardianship of the director, (i.e. PGO, PGA, TGO) to participate in a research project.

If the child is under TGO status, the consent of the director **and** the guardian of the child are required, as the director is a joint guardian per s.31(2).

If the child is receiving intervention services, but not under the guardianship of the director, (e.g. FEA, CA) the consent of the guardian is required.

Where the director's consent is required, either as the sole guardian or as joint guardian, and if the child is12 years of age or older, the consent of the child is required. If the child does not have the functioning or intellectual ability to provide consent, document this on the file. Use the guiding principle of s.2(d) in seeking a child's consent.

The director may only provide consent when:

- the project has been reviewed by the Director of Research Strategic Analysis, per the Ministry Research Review Protocol, and recommendations have been made,
- assurance can be given that no harm will be experienced by the child by participating in the project, and it is consistent with the best interests of the child, and
- the child's and guardian's right to consent, or withhold consent are respected.

NOTE: The Research Review Protocol requires branches and authorities to forward all research proposals to the Research and Strategic Analysis Branch for analysis, review and recommendations.

Purpose

A child's participation in a research project may support important research and collaboration with community partners in the development and design of services.

Procedures

Recommending Approval

When a request is received for consent to involve a child in a research project or survey:

- Determine that the project has been reviewed by the Director of Research and Strategic Analysis under the Ministry Research Review Protocol.
- If a researcher approaches a CFSA or DFNA regarding a project that has not been approved, direct them to the Research and Strategic Analysis Branch of Human Services.
- If the project is deemed to be appropriate, determine, in consultation with the supervisor, whether the child's involvement in the project or survey would be appropriate, giving regard to the best interest of the child.
- If the project is deemed to be appropriate, obtain the director's approval by submitting Consent to Release Information [CS0470] to the worksite manager for review and approval.

When recommending approval for a child's involvement discuss the project with:

- the guardian if the guardian's consent is required, and
- any child who is capable of understanding, and any child 12 years of age or older.

Consenting to Involvement by a Guardian or Child

Use the Consent to Release Information [CS0474] to obtain the consents, as applicable, of:

- the child if 12 years or over, and
- the guardian if their consent is required.

If the child is **not under guardianship** of the director:

- advise the researcher that the guardian's written consent is needed, and
- only release the identity of a guardian with that guardian's written consent.

If seeking the guardian's permission to release their identity, and the identify of their child:

- contact the guardian and discuss the project with them,
- advise the guardian that they can consent/not consent to their child's involvement in the project,
- have the guardian provide their written consent, and
- release the guardian's and child's identity to the researcher only with their consent.

If the child is under **temporary guardianship**:

- advise the researcher that both the guardian's and the director's written consents are needed,
- contact the guardian to discuss the project with them, and
- obtain their written consent.

If the child is under **permanent guardianship**:

- obtain the director's consent,
- consider whether to consult with involved family members, placement providers, or other significant persons in the child's life, and
- obtain their written consents as appropriate.

Providing Consent to a Child's Involvement

When consenting to a child's involvement in a research project:

- inform the researcher of the decision within 10 working days of the request, and
- provide written confirmation of all consents.

If it becomes known that a child under the guardianship of the director is involved in a research project without the director's written consent:

- notify the supervisor immediately,
- provide consent *only* if the above procedures can be followed, or
- terminate the child's involvement if consent is not provided.

Recording

- Retain copies of any consent forms completed by the worksite manager, child, and/or guardian on the child's file.
- Place an overview of the research study and any correspondence with the researcher on the child's file.

- Record consultations with the supervisor, or other parties, on Contact Notes [CS0072] or the contact log.

Related Information

1.2.0 Releasing Information Overview

Freedom of Information and Protection of Privacy Act (FOIP)

Contact Notes [CS0072]
Consent to Release Information [CS0470]

Human Services Research Review Protocol

To report a broken link click here.

Section:	**1.3 Office of the Child and Youth Advocate (OCYA)**	Issue Date: October 1, 2011
Subsection:	**1.3.0 OCYA Overview**	Revision Date: July 22, 2014
		Page 1 of 3

Overview

The Child and Youth Advocate is appointed by the Lieutenant Governor in Council under s.2(1) of the *Child and Youth Advocate Act*. Bound by the statutory mandate identified in the *Child and Youth Advocate Act*, the Child and Youth Advocate has autonomy in carrying out the Advocate's responsibilities on behalf of young persons receiving a designated service including services under CYFEA and PSECA.

NOTE: The terms "young person" and "young people" used through-out this policy refer to children (0-15-years-old), youth (16 & 17-years-old) and young adults (18-22-years-old) who are eligible to receive advocacy services from the OCYA.

Services Provided by the OCYA

A. Advocacy Services

The advocacy services of the OCYA provide a method of ensuring that young people understand their procedural rights, are assisted in exercising those rights and are enabled to be active participants in the decision processes that affect their lives.

Referrals for advocacy services for a young person who is receiving services under CYFEA or PSECA can be made in a variety of ways:

- A young person may make a self-referral.
- A caseworker may make a referral on behalf of a young person. Under certain circumstances defined in policy, a caseworker **must** make a referral, or mandatory notification, on behalf of the young person.
- Any person, including family and community members, may make a referral or take issues forward on behalf of a young person. This is a way to support and strengthen healthy relationships that a child may have with people that are significant to them, as a high level of trust generally exists that allows the child to openly discuss their issues and concerns.

A referral may be made to the OCYA Advocacy Services if a person believes that:

- the young person's needs are not being met,
- the young person's rights are not being protected, or
- a case plan or decision affecting the young person has been made without taking into account the young person's viewpoint or interests, or without consideration of all relevant information.

The young person will be assigned to an individual advocate for services. The individual advocates from the OCYA are not decision makers and do not have any custodial or guardianship authority.

B. Legal Representation for Children and Youth (LRCY) Services

LRCY is responsible for the appointment of legal counsel to represent children and youth for matters under CYFEA and PSECA.

> NOTE: Although young adults 18-22 years of age who are receiving services under CYFEA and PSECA are eligible to receive advocacy services from the OCYA, they are not eligible for legal representation.

The core purposes of the LRCY service are:

- to be child and youth friendly and easily accessible,
- to provide timely legal appointments, and
- to ensure children and youth receive quality legal representation.

Referrals to LRCY can be made by children and youth, caseworkers, the court, guardians, placement providers and other caregivers, and other concerned individuals.

Whenever possible, the child or youth is the one to decide whether they want legal representation. When third party referrals are received, with the exception of court-ordered lawyer referrals per s.112, the individual child or youth is contacted first and the consent of the child or youth is received prior to appointing a lawyer.

Related Information

1.3.1 Mandatory Notification

1.8 Children's Procedural Rights

8.1.2 Legal Representation for Children and Youth

Child and Youth Advocate Act

Mandatory Notification to the Child and Youth Advocate [CS0010]

Children Have Rights Booklet

Children and Youth Have Rights Booklet

Section:	**1.3 Office of the Child and Youth Advocate (OCYA)**	Issue Date: October 1, 2011
Subsection:	**1.3.1 Mandatory Notifications**	Revision Date: July 22, 2014
		Page 1 of 6

Policy

A mandatory notification must be sent to the OCYA and the Statutory Director of CYFEA, by the director when:

- a young person disagrees with a significant decision that pertains to them,
- the needs of a child are not being met,
- significant persons in the child's life have competing perspectives that are not focused on the child, or
- an allegation of abuse or neglect of a child in care is made.

NOTE: For the purposes of this policy, the term "young person" encompasses children 0-17 years of age and young adults 18-22 years of age who may be eligible to receive services from the OCYA.

Notify the young person, if age and developmentally appropriate, that a mandatory notification has been submitted to the OCYA on their behalf. Provide the young person with the OCYA phone number.

Purpose

Young people who are receiving services under CYFEA may contact the OCYA at any point in time to discuss issues and seek advocacy supports. The OCYA supports young people to ensure that their rights are protected. The OCYA further ensures that the perspective of a young person is considered when a young person may be particularly vulnerable and an advocate's support may be helpful to ensure that the young person's rights, interests and viewpoints are considered when decisions are made on their behalf.

The director is responsible for submitting mandatory notifications to the OCYA based on specified criteria.

Mandatory notifications are intended to ensure that the OCYA is aware of concerns in specific circumstances, that the director is aware of the concerns, and that the young person has advocacy services at critical points in their life.

Procedures

Reporting Categories and Definitions

The director has a responsibility to submit a Mandatory Notification to the Office of the Child and Youth Advocate [CS0010] (mandatory notification) to the OCYA when the circumstances for the young person fall under the following four categories:

A. Disagreement with a Significant Decision

A young person may disagree with a significant decision that pertains to them, such as, but not limited to:

- Planning decisions – related to supports or services, access, education, permanency or transitioning for a child. These decisions may be a part of a Family Enhancement Plan, Supervision Order Plan, Concurrent Plan, or Transition to Independence Plan.
- A decision about an agreement with a 16 or 17-year-old youth – related to either an Enhancement Agreement with Youth or a Custody Agreement with Youth.
- A placement decision – regarding disagreement with a decision about the child's placement, such as the type of placement, a move or a respite placement.
- A decision about an SFAA with a young adult aged 18 to 22 years-old – regarding a decision to not sign an agreement, to terminate an agreement or the services negotiated under the agreement.

B. Unmet Needs

Situations may arise where it is believed that the needs of the child, in a variety of areas, are not being met by the director, such as, but not limited to:

- medical, dental or optical needs
- placement needs (e.g. the child is not in a suitable placement to meet the level of need)
- education needs (e.g. tutoring, educational tools, transportation to school)
- services for a vulnerable 16 or 17-year-old youth who will require special programming as an adult
- services or resources are unavailable (e.g. mental health or addiction services)

- available services or resources are denied (e.g. counselling, youth worker)
- cultural/religious/spiritual connections (e.g. appropriate activities or involvement not maintained or supported)

C. Competing Points of View

In some circumstances, significant people involved with the child may have opposing points of view regarding a proposed decision or plan for the child.

The following may occur as a result of the competing priorities:

- the child believes that they are not being heard,
- the procedural rights of the child may not be respected,
- the focus may not be on the child's development or well-being, or
- the caseworker may believe that the child's perspective is being overlooked in the process.

Examples may include disagreements between:

- the caregiver and the caseworker
- the caregiver and the guardian
- the guardian and the caseworker

NOTE: Advocacy under this category in no way replaces legal representation in court matters.

D. Allegations of Abuse or Neglect of a Child in Care

Allegations that a child has been abused or neglected while in care may include:

- Allegations that a child has been subjected to neglect, emotional injury, physical, or sexual abuse **by the caregiver**.
    - neglect – including, but not limited to, inadequate supervision, or failure to provide basic needs or medical attention;
    - emotional injury – including, but not limited to, inappropriate exposure to drug or alcohol use in the home, exposure to family violence, differential treatment, inappropriate disciplinary measures, name calling, threats or derogatory statements aimed at a child.
        - "differential treatment" covers a broad range of unacceptable parenting practices and may include such things as the child being excluded from family activities, being held to unreasonable expectations of behaviour, or other actions that result in the child feeling unaccepted as a member of the family

        - "inappropriate discipline" covers a wide range of unacceptable parenting practices. Examples include, but are not limited to, the use of corporal punishment to isolating a child in his or her room for an extended period of time
    - physical abuse – including, but not limited to abusive or inappropriate disciplinary measures, observable injury during restraint or the non-accidental application of force to a child; or
    - sexual abuse – including, but not limited to inappropriate exposure to sexual contact, activity or behaviour.
- Allegations that a child has been abused **by someone other than the caregiver**, including, but not limited to, another young person or adult who is not the child's caregiver.

Completing and Submitting a Mandatory Notification

Mandatory Notification Part A – Notification:

Complete Part A of the form by checking the appropriate boxes on the mandatory notification form and by providing a brief narrative summary of the incident in the space provided. Consult with the casework supervisor and the OCYA if it is unclear whether a young person is in a situation that may fall within one of the category areas. Once Part A is complete, submit the form to the OCYA and to the Statutory Director at the Ministry.

The need to submit a mandatory notification for circumstances that fall under categories A through C above will be determined on a case by case basis. The young person should be advised of their right to contact the OCYA early on in the process when they indicate that they disagree with a decision or direction.

- Day-to-day interactions while providing services under CYFEA may result in disagreements about decisions and conflicts. It is therefore essential that reasonable efforts at dispute resolution are made prior to submitting a mandatory notification.
    - Keep in mind that the young person must be notified about the right to contact the OCYA for supports at any time.
- "Reasonable efforts at dispute resolution" may include, but are not limited to, case conferences or discussions between the young person and the supervisor or manager, for instance.
- If the director and the young person have reached an impasse after reasonable efforts at dispute resolution have been unsuccessful, submit a mandatory notification (Part A) to the OCYA and to the Statutory Director.
    - A young person should be advised of the submission of the mandatory notification to the OCYA.

When an allegation of abuse or neglect of a child in care is made, complete the mandatory notification and submit the form **immediately**.

- Ensure that a copy of the mandatory notification is sent to the caseworker ordinarily responsible for the young person's file at the same time that it is sent to the OCYA and to the Statutory Director, if applicable.
- The mandatory notification must only be about the specific child to which the initial concern pertains.
- Other children in the placement, but not initially identified as abused or neglected in care, should be listed as "may have also been impacted" on Part A of the mandatory notification form.
  - If there are multiple young people listed on the mandatory notification because they were in the same placement and may have been impacted by an allegation of abuse or neglect in care, ensure that the caseworkers for **each child listed** receive copies at the same time that the form is sent to the OCYA and to the Statutory Director.
  - If an assessment determines that other children in the placement, other than the children initially identified in the concern, were abused, then a mandatory notification must be sent to the OCYA and to the Statutory Director as soon as the abuse or neglect is identified.

NOTE: A young person aged 18-22-years-old is not a child; therefore, it is not necessary or appropriate to submit a mandatory notification regarding abuse or neglect of a child in care for this age group. If the young person has been assaulted or abused while receiving services, they should be provided with information on how to contact the OCYA if they would like the support of an advocate.

Mandatory Notification Part B – Resolution/Outcome:

Complete Part B by checking the appropriate boxes on the mandatory notification form when the resolution of the circumstances that led to the mandatory notification is reached.

Once completed, submit the Mandatory Notification to the Office of the Child and Youth Advocate [CS0010] to the Statutory Director at the Ministry.

NOTE: The completed Part B of the Mandatory Notification to the Office of the Child and Youth Advocate [CS0010] is not to be submitted to the OCYA. Part B is only submitted to the Statutory Director. An advocate may request the completed mandatory notification form from the young person's caseworker if they are involved with the young person.

Submissions to the Statutory Director can be made via fax:

- Attention: Office of the Statutory Director (780) 415-4804

Related Information

1.3.0 OCYA Overview
1.4.1 Administrative Review
1.4.2 Appeal to an Appeal Panel
1.8 Children's Procedural Rights
7.2.2 Death of a Child
7.2.4 Reporting Serious Injuries

Child and Youth Advocate Act

Mandatory Notification to the Office of the Child and Youth Advocate [CS0010]

Section:	**1.4 Administrative Reviews and Appeals**	Issue Date: October 1, 2011
Subsection:	**1.4.0 Overview**	Revision Date: October 1, 2011
		Page 1 of 2

Overview

A number of informal and formal dispute resolution mechanisms have been established to support the Ministry's commitment to early resolution of issues that may arise during the course of delivering services under CYFEA. The successful use of an informal mechanism may result in a reduced need for formal administrative review and appeal mechanisms when there is a dispute over a director's decision.

> **NOTE:** A director's decision is any decision made by a caseworker or anyone with delegated authority under CYFEA.

Stakeholders that may engage in various levels of dispute resolution include guardians, caregivers, children, young adults, and residential facility applicants. All stakeholders need to be informed of the informal and formal dispute resolution mechanisms available to them. Only certain individuals have the ability to request formal dispute resolution mechanisms such as an administrative review or appeal to the Appeal Panel.

Children who are in care have the right to disagree with a decision and the right to have their concerns taken seriously. They must be informed of the range of informal and formal dispute resolution options that are available to them. Children may need a support person to assist them in accessing dispute resolution options and to ensure that their voices are heard.

Informal Mechanisms

Best practice is to attempt to engage in informal mechanisms to resolve disputes as quickly as possible.

The first step in resolving issues is for the client to talk to the caseworker who has made the decision with which they are dissatisfied. Each CFSA and DFNA has an informal process in place that may include a discussion with a supervisor, manager or CFSA Chief Executive Officer / DFNA Director. Family group conferencing and mediation are examples of additional options for working together on solutions.

A separate process for dispute resolution exists for foster parents.

Guiding Principles of Informal Mechanisms

- The best solutions are ones worked out between the parties themselves.
- Issues should be resolved cooperatively, respectfully, fairly and efficiently.
- Accessing informal processes for addressing issues does not limit clients in any way from accessing the formal, legislated mechanisms.

Formal Mechanisms

CYFEA identifies several formal mechanisms that allow those impacted by and dissatisfied with a director's decision to dispute the decision, including:

- administrative reviews,
- appeals to an appeal panel, and
- appeals to the Court of Queen's Bench (regarding both court orders and decisions of the appeal panel).

Clients may choose not to access informal mechanisms, and instead proceed directly to administrative review or an appeal, per the legislation. However, the legislated mechanisms cannot be accessed for all issues and concerns that may arise.

Related Information

1.3.0 OCYA Overview

1.3.1 Mandatory Notifications

8.1.2 Legal Representation for Children and Youth

Enhancement Policy Manual – Placement Resources

To report a broken link click here.

Section:	1.4 Administrative Reviews and Appeals	Issue Date: October 1, 2011
Subsection:	1.4.1 Administrative Reviews	Revision Date: July 22, 2014
		Page 1 of 8

Policy

A request for an administrative review must be received by the director in writing in the prescribed format within the legislated timelines and must contain sufficient details about the disputed decision for the director to be able to identify it and determine the grounds for the review.

An administrative review **must** be completed within the legislated timelines.

An administrative review can be used whether or not the matter can be appealed.

Purpose

An administrative review is an internal review and formal dispute resolution process that is available when a child, young adult who may be eligible for benefits under s.57.3, guardian, foster parent, applicant for a license or an applicant for financial support under s.105.8 disagrees with or is impacted by a decision of the director made under CYFEA.

A request for an administrative review may be made when informal dispute resolution mechanisms are not successful in reaching a resolution or when the person requesting the review chooses not to access the informal mechanisms.

Resolution through an administrative review may avoid the matter proceeding to an appeal panel.

Procedures

Matters That Can Go Forward for Administrative Review

A request for an administrative review can be made regarding matters that require delegated decision making authority under CYFEA, including but not limited to the following:

- the director's exercise of discretion when access is court ordered "at the discretion of the director,"

- a licensing decision made by the director,
- the placement of a child into a facility,
- the removal of a child from a facility,
- the refusal of the director to approve financial benefits under the Child and Youth Support Program under s.105.8, or
- the refusal of the director to enter an SFAA under s.57.3 to a person between the ages of 18 and 24 years of age.

Who Can Request an Administrative Review

Any of the following persons who are directly affected by a director's decision may request an administrative review:

- a child,
- a guardian,
- a foster parent,
- an individual who has had continuous care of a child for more than six of the 12 months preceding the decision of the director,
- a person who is receiving or may be eligible to receive supports under and SFAA pursuant to s.57.3,
- a person who is refused financial assistance under s.105.8, or
- an applicant for a residential facility license or a renewal of a residential facility license.

NOTE: The OCYA is able to submit the written request for an administrative review on behalf of a child. The child is considered a participant in the proceedings and the role of the OCYA is to advocate the rights, interests and viewpoints of the child.

Matters That Cannot Go Forward for Administrative Review

Certain matters cannot go forward for administrative review, such as:

- operational or administrative matters, such as the transfer of a file or the assignment of a caseworker,
- financial matters that have provincial fixed rates attached,
- decisions that are made by the director, but not under CYFEA,
- matters where a decision has been made or an opinion formed by someone other than the director and are integral to case planning, including:
  - a child's diagnosis

  - educational planning
  - probation requirements
  - assessment findings or recommendations
- whether the director investigates a report,
- outcomes of child protection investigations, or
- court orders or decisions of the court.

Timelines for an Administrative Review

It is essential to advise the person who requested the review of the time lines identified in s.117.1(1).

Filing a request for an administrative review

The person requesting an administrative review must do so within **30 calendar days** of receiving the director's decision. The 30 days does not include the day that the decision is received, but every calendar day thereafter must be counted, including the day that the written request for an administrative review is received by the director.

Completing the administrative review process

An administrative review must be completed within **15 calendar days** of the director receiving the written request for an administrative review. The 15 days does not include the day that the request is received by the director, but every calendar day thereafter must be counted, including the day that the administrative review team makes a decision.

The decision of the administrative review team must be provided in writing, including the reasons for the decision, not later than the fifteenth day, to the person who requested the administrative review.

The 15 day timeframe **cannot** be extended, under **any** circumstances, even if the person who requested the review agrees to an extension. If the person who requested the review does not receive a written copy of the decision of the administrative review team by the end of the 15 days, the director's decision is deemed confirmed, per s.117.1(5). This information must be communicated to the person who requested the administrative review.

Awaiting the Outcome of the Administrative Review

Continued attempts to resolve the issue can be made via informal mechanisms pending the outcome of the administrative review.

In the interim period between the director receiving the request for an administrative review and the administrative review team making a decision:

- If the decision under review pertains specifically to a child, maintain the current level of services and supports.

NOTE: If the decision under review pertains to the refusal of a director to approve financial benefits under s.105.8 or to enter an SFAA under s.57.3 while awaiting the outcome of the review, maintain the current level of services and support.

- If the decision under review pertains to a licensing decision made by the director, await the decision of the administrative review team before proceeding further.
- If the decision under review pertains to the refusal of a director to approve financial benefits under s.105.8 or to enter an SFAA under s.57.3, await the decision of the administrative review team before taking further action.

Receiving a Request for an Administrative Review

A request for an administrative review must be provided to the director in writing. (e.g. caseworker, supervisor or administrative staff).

The regulated Request for an Administrative Review of a Director's Decision [CS1625] should be utilized by people who request reviews. Ensure that the form is available at each worksite.

When receiving a request for an administrative review:

- Ensure the request is clearly date stamped when it is received.
- Provide a copy of the date stamped form to the person who requested the review.
- Forward the request immediately to the responsible manager (manager of the office or program that is responsible for the file), if the request is not received at that worksite.
- The responsible manager must determine if the request for the administrative review meets the legislative criteria.
  - If a request for an administrative review meets the criteria for review per s.117.1, the review **must** proceed.
  - If a request for an administrative review is received and it fails to meet the criteria per s.117.1, the person who requested the review must be advised in writing of the reasons why the request will not proceed and what other dispute resolution mechanisms are available.
- Provide a copy of the request to the OCYA if an advocate is already involved with the child.

The Administrative Review Team

The administrative review team constitutes "the director" for the purposes of s.117.1.

Coordinating the Administrative Review Team

The responsible manager or the DFNA Director who is responsible for the file brings together the administrative review team according to regional procedures and ensures that the following information is available for the administrative review team:

- a brief description of the decision that is being disputed,
- whether the caseworker discussed with a supervisor or manager that the person requesting the review disagreed with the decision,
- whether a meeting occurred with the caseworker, supervisor and/or manager and the person requesting the review to discuss the decision, and if so, the outcome,
- whether there is documentation on file indicating what attempts were made to resolve the dispute,
- whether other alternative dispute resolution options were presented to the person requesting the review, and
- whether the OCYA is involved.

Composition of the Administrative Review Team

The administrative review team must be comprised **minimally** of two senior staff members employed in the administration of CYFEA. At least one team member must be delegated.

- At least one of the two members must be a manager within a CFSA or a DFNA Director.
- The second member must be a manager, a supervisor or a staff member having a classification at least equivalent to a supervisor.

Administrative review team members cannot be in a direct reporting line to the manager of the office where the decision was made, nor can they review:

- their own decision,
- a decision of someone who directly reports to them,
- a decision of someone they directly report to, or
- a decision they were involved in informally reviewing.

Where there is only one manager available, that person becomes the chair of the administrative review team and completes and signs the Administrative Review Decision [CS1625-2].

Administrative Review Process

The administrative review meeting

The director has the discretion to decide the manner in which the administrative review will proceed, either:

- by reviewing written submissions to the administrative review team, or
- by hearing verbal submissions to the administrative review team.

NOTE: Where foster parents have requested the review, administrative reviews will be conducted in person with all participants present (e.g. in person, via teleconference or videoconference).

If verbal submissions will be heard, the administrative review team will advise the person requesting the review that:

- they can choose to meet without the caseworker being present, and
- they can bring a support person with them to the meeting.
- When the review is conducted in person:
  - A foster parent may have a support person of their choosing in the meeting (e.g. an AFPA representative, a FAST representative).
  - A child may have a support person of their choosing in the room (e.g. an advocate from the OCYA).
  - A caseworker may have their supervisor attend the meeting with them.

NOTE: A child has the option of sharing information with the administrative review team separate from other parties.

- Written submissions may be reviewed in advance by the administrative review team.

The administrative review team reviews all relevant information and issues a written decision within **15 calendar days** of receiving the written request for an administrative review.

Relevant information

Relevant information will vary depending upon the situation being reviewed, and **may** include but is not limited to:

- documentation related to consultation with persons involved with the case plan, including the First Nations designate per s.107, if it pertains specifically to the decision,
- the child's family enhancement plan, concurrent plan, transition to independence plan or secure services plan,

- documentation submitted by the person who requested the review,
- any file information and policy considered when making the decision under review,
- the rationale for the decision that is under review, and
- the views of the child, where the decision affects the child and the child is capable of forming and articulating a view.

Confidentiality

The administrative review team maintains all confidentiality requirements throughout the process. Confidential third party information may not be shared with the person making the request.

Best Interests

The administrative review team is responsible for ensuring that the decision is made in the best interests of the child and in keeping with the Matters to be Considered identified in s.2.

Limits on the decision

The administrative review team may make a decision to confirm, vary or reverse the original decision.

The administrative review team's decision is limited by legislation, regulation and policy.

Follow-Up Requirements

- Per s.117(4)(b), the person who requested the review must receive the written decision of the administrative review within **15 calendar days** of making the request for the review. The 15 days **cannot** be extended under any circumstances.
- The decision and corresponding rationale for the decision is recorded on the Administrative Review Decision form [CS1625-2].
- Verbally notify the person who requested the review of the decision and send the written decision to the person who requested the review, involved staff, and the OCYA (where applicable).
- If the person who requested the review is dissatisfied with the outcome of the administrative review, that person may file an appeal to an appeal panel regarding the original decision, if the eligibility criteria under s.120 are met **and** if the decision is an appealable matter under s.120(2).
- Ensure that the person who requested the review is made aware of the time limits to file a notice of appeal and of the requirement of s.120(3)(a)

to attach a copy of the administrative review decision or a statement that the decision is deemed to have been confirmed.

- Ensure that the person who requested the review is notified that, per s.120(3)(b), the notice of appeal **must** be served on the director
  - not more than **30 calendar days** after the Administrative Review Decision is received

  OR

  - not more than **45 calendar days** after the date when the request for the administrative review was submitted to the director, if the person who requested the review does not receive the Administrative Review Decision within 15 days of that date.

NOTE: If the original decision is appealed, the original decision will remain in effect during the appeal process.

Related Information

1.3.0 OCYA Overview
1.3.1 Mandatory Notifications
1.4.2 Appeals to the Appeal Panel
1.4.3 Appeals to the Court of Queen's Bench – Director as Respondent
1.4.4 Appeals to the Court of Queen's Bench – Director as Appellant
Enhancement Policy Manual – Placement Resources

Administrative Review Decision [CS1625-2]
Mandatory Notification to the Child and Youth Advocate [CS0010]
Notice of an Appeal to the Appeal Panel [CS1622]
Request for an Administrative Review of a Director's Decision [CS1625]

To report a broken link click here.

Section:	1.4 Administrative Reviews and Appeals	Issue Date: October 1, 2011
Subsection:	1.4.2 Appeals to the Appeal Panel	Revision Date: July 22, 2014
		Page 1 of 8

Policy

A notice for an appeal to the appeal panel must be received by the director in writing in the prescribed form within the legislated timelines.

If a client decides to appeal a director's decision to an appeal panel, ensure that:

- the client is provided with the regulated Notice of an Appeal to the Appeal Panel [CS1622],
- the client is made aware of the timelines identified in s.120(3), and
- the client is made aware of the requirement to attach the written administrative review decision or a statement concerning the deemed confirmation of the director's decision to the notice of appeal, if applicable.

Purpose

An appeal panel hearing is a formal dispute resolution mechanism. It is a quasi-judicial process that is as important as a court hearing. Clients that choose this option may have their concerns heard by an appeal panel. Any person delegated under CYFEA may be assigned to represent the director at an appeal hearing. This person does not have to be the responsible caseworker.

An appeal panel may confirm, vary or reverse certain child intervention decisions that may be appealed, per s.119(2.1).

Certain decisions regarding placement and/or licensing may either be confirmed by the appeal panel **or** returned to the statutory Director for further consideration, per s.119(2). If this occurs, the statutory Director will review the decision and then confirm, vary or reverse the original decision.

Procedures

Decisions That Can be Appealed to an Appeal Panel

S.120 defines both who can make an appeal to the appeal panel and what decisions can be appealed to an appeal panel.

Who can appeal a decision:

- a child,
- a guardian of a child,
- a person who has had continuous care of a child for more than six of the 12 months immediately preceding a decision of under s.120(2),
- a person who is receiving or may be eligible to receive support and financial assistance under s.57.3,
- a person who is dissatisfied with terms and conditions imposed by a director with respect to the renewal of a residential facility license,
- a person whose residential facility license has been varied, suspended or cancelled,
- a license holder who is the subject of an order after inspection under s.105.6,
- a license holder whose residential facilities license is not renewed,
- a person whose home assessment study or addendum to a home assessment study for an international adoption was not approved,
- a person who is dissatisfied with the terms and conditions imposed by a director with respect to a conditional license to operate an adoption agency issued under s.88(1)(b),
- a person who application for a license or renewal of a license to operate an adoption agency is refused under s. 88(1)(c), and
- a person whose license to operate an adoption agency has been suspended or cancelled by a director under s.89.

NOTE: The OCYA is able to file the notice of appeal on behalf of a child and may be a participant in the proceedings.

What decisions can be appealed after an administrative review:

- removal from or placement in a residential facility, other than a secure services facility, where the child is the subject of a TGO, PGO or PGA,
- permitting or refusing to permit any person who has a significant relationship with a child to visit a child who is the subject of a permanent guardianship agreement,

- refusal or failure of the director to enter into an agreement or apply for a court order where the director is of the opinion that the child is in need of intervention,
- refusal to provide financial assistance to a private guardian or adoptive parent of a child previously under a permanent guardianship agreement or order through the Supports for Permanency program under s.56.1 or s.81,
- refusal to provide support or financial assistance under s.57.3
- decision to vary, suspend or cancel a residential facilities license,
- terms and conditions imposed on a renewal of a residential facility license, but not terms and conditions imposed on an initial residential facilities license,
- refusal to renew a residential facility license,
- an order after inspection per s.105.6,
- refusal of the director to approve an international adoption placement applicant, or
- refusal by the director to approve a home study report or an addendum to a home study report of an adoption placement applicant for an international adoption.

Decisions that cannot be appealed:

Decisions that do not fall under s.120 cannot be appealed. Examples include, but are not limited to, the following:

- operational or administrative decisions such as file transfers or caseworker changes,
- investigation outcomes, or
- matters where a decision has been made or an opinion formed by someone other than the director, but integral to case planning, such as child diagnosis, education planning, probation requirements, assessment findings, court orders or decisions of the court.

NOTE: Every Notice of an Appeal to the Appeal Panel [CS1622] that is served on the director **must** be forwarded to the Appeal Secretariat.

Decisions that can be appealed without an administrative review:

Per s.120(5), the following persons can proceed directly with an appeal to an appeal panel regarding decisions with respect to the licensing of adoption agencies, without going through the administrative review process:

- a person who is dissatisfied with the terms and conditions imposed on a license under s.88(1)(b),

- a person whose application for a license or renewal of a license to operate an adoption agency is refused under s.88(1)(c), or
- a person whose license to operate an adoption agency has been suspended or cancelled by the director under s.89.

Timelines for an Appeal to the Appeal Panel

Upon being informed of the decision of the director, the client has **30 calendar days** in which to serve notice of an appeal to the appeal panel on the director. Ensure that the client is notified of the following timelines:

- If an administrative review under s.117.1 is not required, the 30 days begin when the client receives written notice of the director's decision.
- If an administrative review under s.117.1 occurred, the notice of appeal **must** be served on the director
  - not more than **30 calendar days** after the Administrative Review Decision is received

  OR
- not more than **45 calendar days** after the date when the request for the administrative review was submitted to the director, **if** the client does not receive the Administrative Review Decision within 15 days of that date.

Receiving a Notice of an Appeal to the Appeal Panel

When a notice of appeal is received:

- Inquire whether the appellant will be represented by a lawyer.
- Sign and date the notice and **immediately submit** it to the Appeal Secretariat in all cases. Include the name and contact information for the person who will be representing the director.
  - Appeal Secretariat, ATTN: Child, Youth and Family Enhancement Appeal Panel Fax : 780-644-6880
- Send a copy of the notice to the regional appeals designate, who will provide consultation and support through the appeal process. Include a copy of the administrative review decision, if applicable.
- If the notice is for another worksite or region, immediately forward it to the appropriate worksite, CFSA or DFNA.
- If the appeal is regarding a child receiving intervention services, notify the OCYA as a mandatory notification.

NOTE: The Advocate may give evidence in an appeal to the appeal panel per S 17(2) of the *Child and Youth Advocate Act*.

- If a child will require legal representation at an appeal hearing, make a referral to the Legal Representation for Children and Youth (LRCY) service.
- Consider sending the notice to legal counsel to review for any potential jurisdictional objections.

NOTE: The original decision of the director that is being appealed remains in effect until the appeal panel makes a ruling.

Legal Representation for the Director

If the appellant obtains a lawyer, the director obtains one.

If the director will require a lawyer, advise the regional appeals designate, who will contact the appropriate Social Enhancement Legal Team office for consultation and assignment of legal counsel.

- Red Deer and areas north of Red Deer call Edmonton 780-422-3715
- Areas south of Red Deer call Calgary 403-297-3360

Preliminary Appeal Meeting

The Appeal Secretariat will facilitate a preliminary appeal meeting between the appellant and the director (including legal counsel, if retained; an advocate from the OCYA, if applicable; and, the LRCY, if applicable) either in person or via videoconference. The appeal panel members do not participate in this meeting.

The purpose of the preliminary appeal meeting is to:

- identify or confirm all parties to the appeal hearing,
- clarify the original decision of the director that is being appealed and the applicable section under CYFEA,
- establish the number of witnesses that will be called and how many days will be needed for the hearing, and
- schedule the hearing and set the dates for the submission of documents.

Jurisdiction

If the director has a concern regarding the jurisdiction of the appeal panel, it must be raised at the preliminary appeal meeting and a hearing on the matter of jurisdiction may be scheduled.

It is the responsibility of the appeal panel to determine if it has jurisdiction to hear the appeal prior to proceeding with an actual hearing.

Preparing for the Appeal Hearing

Disclosure package

Each party to an appeal decides what information is relevant and necessary to adequately represent their case.

The director determines what information to include in the disclosure package; the director cannot be compelled to provide information.

When preparing the disclosure package for the appeal hearing, determine:

- what information is necessary to support the original decision that is being appealed,
- what information do the appellant and the appeal panel need to know with regard to the factors that contributed to the original decision that is being appealed,
- that the information provided is relevant and specific to the issue at hand, and
- who will vet the information prior to it being provided to the appeal panel and appellant.

NOTE: It is critical to ensure that the disclosure package is correctly vetted to remove third party person information, reported information and privileged information. If there is any uncertainty about what information should be vetted, seek legal advice.

Always include a summary of the director's case in the disclosure package.

Prior to the appeal hearing

Discuss and prepare for the appeal process with a supervisor, manager or regional appeal designate, as appropriate.

- Review all documents and processes that were involved in the decision and that will be presented at the appeal. Prepare for the appeal hearing in a manner similar to a court process in terms of ensuring an increased understanding of all aspects of the case and the decision.
- If a relevant document is a confidential report from an expert, ask the author to appear before the appeal panel to give evidence. If this is not possible, the report can be provided if the director contracted the expert to complete the report or if the report was provided to the director by the guardian for case planning purposes. A summary of the findings and/or recommendations of a report may be sufficient.
- If the appellant is a child, ensure that the child has assistance to prepare and present the appeal. The child may be represented by a lawyer, an advocate from the OCYA or any other person.

- Be prepared to respond to the appellant's case.
- Confirm that the information in the disclosure package has been appropriately vetted for confidentiality and third party information.

Presenting at the Appeal Hearing

Present the director's case in a clear, logical and factual manner, addressing the following:

- the decision being appealed, clarifying the reason the decision was made,
- the section of legislation or regulation that the decision was made in accordance with, where appropriate,
- the policy consideration including the relevant section and how it applied to the circumstances,
- the circumstance, events and correspondence that led to the decision,
- the services provided to the client,
- other considerations of the director, and
- the supporting information provided in the disclosure package.

Post Appeal Hearing and Follow-Up Requirements

Decision

The decision of the appeal panel is limited by legislation and regulation, but **not** by policy.

The appeal panel notifies each party of its decision in a detailed written summary, which is sent to each party by the Appeal Secretariat.

Follow-up

If the appeal panel must return a decision to the statutory Director for further consideration, this will be identified in the written appeal panel decision provided to each party.

> NOTE: If the matter being heard by an appeal panel is one that may be returned to the statutory Director for further consideration, it is strongly suggested that the region arrange for the hearing to be transcribed by a court reporter. If the matter is returned to the statutory Director for further consideration, the statutory Director may request a copy of the transcripts. The process for a review by the statutory Director is outlined in Appendix C.

If the decision of the appeal panel conflicts with the legislation or regulation, contact the Social Enhancement Legal Team immediately.

Appealing the Decision of an Appeal Panel

S.120.1(1) allows for the appeal of a decision of the appeal panel by any party to the hearing or the Minister.

An appeal must be launched in the Court of Queen's Bench not more than **30 calendar days** after the date of the written decision of the appeal panel.

Recording

Ensure that a copy of the notice of appeal is retained in the child's or foster parent's file, whichever is applicable.

Ensure that a copy of the written decision of the appeal panel is retained in the child's or the foster parent's file, whichever is applicable.

Related Information

1.3.1 Mandatory Notifications
1.4.1 Administrative Reviews
1.4.3 Appeals to the Court of Queen's Bench – Director as Respondent
1.4.4 Appeals to the Court of Queen's Bench – Director as Appellant
8.1.2 Legal Representation for Children and Youth
Appendix C: Matter Returned to the Director for Further Consideration

Administrative Review of a Director's Decision [CS1625-2]
Mandatory Notification to the Child and Youth Advocate from a Caseworker [CS0010]
Notice of Appeal – Appeal Panel Decision (CYFE Act) [CS4034]
Notice of an Appeal to the Appeal Panel [CS1622]
Request for an Administrative Review of a Director's Decision [CS1625]

To report a broken link click here.

Section:	**1.4 Administrative Reviews and Appeals**	Issue Date: October 1, 2011
Subsection:	**1.4.3 Appeals to the Court of Queen's Bench – Director as Respondent**	Revision Date: November 1, 2013
		Page 1 of 4

Policy

The statutory Director must be notified immediately when a CFSA or DFNA is served with a Notice of Appeal.

Purpose

Appeals to the Court of Queen's Bench may be made regarding an order of the provincial court or a decision of an appeal panel.

- S.114(1) allows for the appeal of any order of the provincial court made under CYFEA, and for an appeal of a refusal of the provincial court to make an order.
- S.120.1(1) allows for the decision of an appeal panel under s.119(2.1) to be appealed to the Court of Queen's Bench by any party to the appeal panel hearing or the Minister.

NOTE: Appeal panel decisions which fall under s.119(2), i.e. decisions which must be returned to the statutory Director for further consideration, cannot be appealed to the Court of Queen's Bench. Judicial review is available for these matters.

Procedures

Who can appeal a court order made under CYFEA?

A court order under CYFEA can be appealed to the Court of Queen's Bench by:

- a guardian of the child other than the director,
- a person who was a guardian of the child immediately before the order was made,
- the child,
- the child, if the child is the subject of a secure services order,

- a director, or
- the Minister.

Who can appeal a decision of an appeal panel?

A decision of an appeal panel can be appealed to the Court of Queen's Bench by any party to the appeal hearing or the Minister.

Appeal panel decisions which must be returned to the statutory Director for further consideration under s.119(2) cannot be appealed to the court of Queen's Bench.

Timeframe to Launch an Appeal

An appeal must be launched in the Court of Queen's Bench not more than **30 calendar days** after the decision of the appeal panel or the date of the provincial court order. The 30 days does not include the day that the provincial court order is granted or the decision of the appeal panel is received, but count every calendar day thereafter, including the day that the Notice of Appeal is filed with the Court of Queen's Bench.

CFSA Process

A Notice of Appeal regarding either an order of the provincial court or a decision of the appeal panel may be served on a caseworker, a Social Enhancement Legal Team lawyer, or a legal agent.

When a Caseworker is Served:

1. Immediately notify a supervisor and the worksite manager. If a lawyer is already assigned to the file, notify the lawyer directly.
2. The worksite manager will immediately fax the Notice of Appeal to the statutory Director.
    - Mark the fax "ATTN: Director of the Child, Youth and Family Enhancement Act" and send it to 780-422-5415.
3. The statutory Director will notify legal counsel via the Director of the Social Enhancement Legal Team, Alberta Justice of the Notice of Appeal within five working days and send a memorandum regarding the matter.

When a Social Enhancement Legal Team Lawyer is Served:

1. The Social Enhancement Legal Team lawyer will immediately notify the statutory Director of the Notice of Appeal. The Social Enhancement Legal Team lawyer will also notify the responsible caseworker.

2. The statutory Director will respond to the Director of either the Social Enhancement Legal Team Edmonton or Social Enhancement Legal Team Calgary within five working days with a memorandum.

When a Legal Agent is Served:

1. The legal agent will immediately notify the Director of either the Social Enhancement Legal Team Edmonton or the Social Enhancement Legal Team Calgary, who will then notify the statutory Director of the Notice.
2. The statutory Director will respond to the Director of either the Social Enhancement Legal Team Edmonton or the Social Enhancement Legal Team Calgary within five working days with a memorandum.

NOTE: Matters in the City of Red Deer and north of Red Deer are managed by the Social Enhancement Legal Team Edmonton. Matters south of Red Deer are managed by the Social Enhancement Legal Team Calgary.

Ongoing Communication, Case Management, and Trial Direction

The statutory Director will:

- establish the position of the director for the court proceedings,
- specify which types of communications the statutory Director must be copied in on,
- indicate the level and type of involvement that the statutory Director will have in ongoing case management and in the court proceedings, and
- confirm the position of the director regarding the proceedings on a regular basis with legal counsel and the CFSA.

Unless otherwise specified by the statutory Director:

- The CFSA will keep the statutory Director informed by providing copies of reporting memorandums and e-mails regarding trial proceedings.
- The CFSA will continue to provide ongoing case management of the case, in accordance with the position established by the statutory Director. The CFSA may choose to have senior staff direct case management during the proceedings, on a case-by-case basis.
- The CFSA will provide day to day instructions to legal counsel during the trial proceedings, in accordance with the position established by the statutory Director.

DFNA Process

When a DFNA receives a Notice of Appeal, regardless of who is served:

- Immediately give the Notice of Appeal to the DFNA Director.
- The DFNA Director (or their designate) will immediately fax the Notice of Appeal to the statutory Director, so that the statutory Director is aware of the proceeding.
    - Mark the fax "ATTN: Director of the Child, Youth and Family Enhancement Act" and send it to 780-422-5415.
- Immediately notify legal counsel, if legal counsel was not served with the notice.
- Notify the appropriate First Nations Liaison Unit manager.
- Ensure that up to date information regarding court proceedings is communicated to the statutory Director.

Related Information

1.3.0 OCYA Overview

1.4.2 Appeals to the Appeal Panel

1.4.4 Appeals to the Court of Queen's Bench – Director as Appellant

Alberta Rules of Court

Notice of Appeal – Appeal Panel Decision [CS4034]

Notice of Appeal – Provincial Court Order [CS4035]

Notification of an Appeal to the Court of Queen's Bench – Memorandum [CS0012]

Response to Notification of an Appeal to the Court of Queen's Bench – Memorandum [CS0014]

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Policy

The written approval of the statutory Director is required if a CFSA wants to launch an appeal to the Court of Queen's Bench.

The statutory Director must be notified if a DFNA wants to launch an appeal to the Court of Queen's Bench.

Purpose

Appeals to the Court of Queen's Bench may be made regarding an order of the provincial court or a decision of an appeal panel.

- S.114(1) allows for the appeal of any order of the provincial court made under CYFEA, and for an appeal of a refusal of the provincial court to make an order.
- S.120.1(1) allows for the decision of an appeal panel under s.119(2.1) to be appealed to the Court of Queen's Bench by any party to the appeal panel hearing or the Minister.

NOTE: Appeal panel decisions which fall under s.119(2), i.e. decisions which must be returned to the statutory Director for further consideration, cannot be appealed to the Court of Queen's Bench. Judicial review is available for these matters.

Procedures

Who can appeal a court order made under CYFEA?

A court order under CYFEA can be appealed to the Court of Queen's Bench by:

- a guardian of the child other than the director,
- a person who was a guardian of the child immediately before the order was made,
- the child,

- the child, if the child is the subject of a secure services order,
- a director, or
- the Minister.

Who can appeal a decision of an appeal panel?

A decision of an appeal panel under s.119(2.1) can be appealed to the Court of Queen's Bench by any party to the appeal hearing or the Minister.

Appeal panel decisions which must be returned to the statutory Director for further consideration under s.119(2) cannot be appealed to the court of Queen's Bench.

Timeframe to Launch an Appeal

An appeal must be launched in the Court of Queen's Bench not more than **30 calendar days** after the decision of the appeal panel or the date of the provincial court order. The 30 days does not include the day that the provincial court order is granted or the decision of the appeal panel is received, but count every calendar day thereafter, including the day that the Notice of Appeal is filed with the Court of Queen's Bench.

Stay of Execution

A stay of execution can be granted regarding both provincial court orders, per s.115 and decisions of the appeal panel, per s.120.1(3).

An application for a stay regarding a provincial court order must be done at the time that the provincial court order is granted. If the caseworker believes a stay is necessary, immediately consult with a supervisor or manager to determine if this is the most appropriate course of action prior to proceeding. If the director is not represented by a lawyer at the time the order is made, the caseworker can, after the necessary consultation, apply for the stay at the time the order is granted.

Any party to an appeal panel hearing that files for an appeal to the Court of Queen's Bench may also make an application for an order to stay the decision of the appeal panel. This must be done as soon as possible, in consultation with a supervisor, after the decision of the appeal panel is received. The application to the Court of Queen's Bench for a stay after an appeal panel decision must be made by a lawyer.

CFSA Process

The following steps **must** be completed by a CFSA:

1. A senior manager must be consulted by the worksite regarding the matter. Once an appeal is being contemplated, the senior manager will consult

the Social Enhancement Legal Team for a legal opinion as to whether an appeal is legally supportable.

   - If the director was unrepresented by legal counsel at the time that the provincial court order was granted or the decision of the appeal panel made, then a request to consult with counsel must be made to the Director of the Social Enhancement Legal Team Edmonton or the Social Enhancement Legal Team Calgary as soon as the decision to pursue an appeal has been made.
   - If the Social Enhancement Legal Team or a legal agent was providing legal counsel to the director at the time that the provincial court order was granted or the decision of the appeal panel was made, the CFSA staff may consult with the lawyer already assigned to the file in order to secure the written rationale for pursuing the appeal.

2. The Child and Family Services Regional Director (or designate) must submit a request for approval to proceed to the Court of Queen's Bench to the statutory Director within **eight calendar days**. The request must minimally include:
   - the case name, ID number and date of the provincial court order or appeal panel decision,
   - a copy of the provincial court order or written decision of the appeal panel,
   - a copy of the court report or disclosure package, if requested,
   - a copy of the stay of execution, if applicable,
   - the name of the senior manager who consulted with legal counsel,
   - the name of legal counsel, and
   - the written legal recommendation to support the request to proceed.
3. The statutory Director will review the request and consult with the Director of Legal Services for the Ministry.
4. The statutory Director will provide the CFSA with one of the following responses within **seven calendar days**:
   - Approval to proceed – The statutory Director supports the request and will establish the position of the Ministry. Day-to-day instructions for legal counsel regarding the court proceedings will be given by the CFSA, in accordance with the position established by the statutory Director. The statutory Director will be copied in on correspondence related to the appeal proceedings.
   - Approval to proceed – The statutory Director supports the request and will establish the position of the Ministry. The statutory Director

(not the CFSA) will provide day-to-day instructions for legal counsel regarding the court proceedings.

- No approval to proceed – The statutory Director does not support the request. The CFSA cannot make application for an appeal to the Court of Queen's Bench.

5. The statutory Director will provide the Director of the Social Enhancement Legal Team Edmonton or the Social Enhancement Legal Team Calgary with a copy of the response that is provided to the CFSA. Either a Social Enhancement Legal Team lawyer will be assigned or the appropriate legal agent will be retained.

Ongoing Communication, Case Management, and Trial Direction

The statutory Director will:

- establish the position of the director for the court proceedings,
- specify which types of communications the statutory Director must be copied in on,
- indicate the level and type of involvement that the statutory Director will have in ongoing case management and in the court proceedings, and
- confirm the position of the director regarding the proceedings on a regular basis with legal counsel and the CFSA.

Unless otherwise specified by the statutory Director:

- The CFSA will keep the statutory Director informed by providing copies of reporting memorandums and e-mails regarding trial proceedings.
- The CFSA will continue to provide ongoing case management of the case, in accordance with the position established by the statutory Director. The CFSA may choose to have senior staff direct case management during the proceedings, on a case-by-case basis.
- The CFSA will provide day to day instructions to legal counsel during the trial proceedings, in accordance with the position established by the statutory Director.

DFNA Process

The DFNA Director (or their designate) must submit information regarding the case to the statutory Director within **10 calendar days** of the provincial court order or the appeal panel decision. Minimally, this should include:

- the case name, ID number and date of the provincial court order or appeal panel decision,
- a copy of the provincial court order or written decision of the appeal panel,
- a copy of the stay of execution, if applicable

- the name of the person who consulted with legal counsel,
- the name of legal counsel, and
- confirmation of a legally supportable position.

Ensure that up to date information regarding court proceedings is communicated to the statutory Director and the appropriate First Nations Liaison Unit manager. The statutory Director will be available in a consultative and support capacity to the DFNA.

Related Information

1.4.2 Appeals to the Appeal Panel

1.4.3 Appeals to the Court of Queen's Bench – Director as Respondent

Alberta Rules of Court

Notice of Appeal – Appeal Panel Decision [CS4034]

Notice of Appeal – Provincial Court Order [CS4035]

Notification of an Appeal to the Court of Queen's Bench – Memorandum [CS0012]

Response to Notification of an Appeal to the Court of Queen's Bench – Memorandum [CS0014]

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Chapter 1: General Information

Section:	**1.5 Intervention Involvement with Employees and Individuals in Governance Positions**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 4

Policy

Intervention involvement with an Human Services employee, or individual in a governance position with Human Services, **must proceed as with any other case** except with heightened sensitivity.

Care must be taken to maintain neutrality and respect the confidentiality of the individual and their family. The case **must** be assigned to a worksite, CFSA or DFNA where the employee/individual does not work at or have a supervisor/supervisee relationship.

Purpose

This policy applies to involvement with Human Services employees, those in governance positions in a CFSA or DFNA and their families throughout Human Services' involvement (intake, assessment, or intervention services phase).

Additional stress is placed on all those involved when Human Services becomes involved with an Human Services employee or individual in a position of governance of a CFSA or DFNA. Staff and/or management may find themselves in a dual role with a colleague. Intervention involvement must:

- remain child centered,
- proceed in a neutral and sensitive manner, and
- be completed in a timely manner.

CFSAs or DFNAs may choose to develop more detailed policies for their staff and management.

Procedures

Intervention Involvement with Employees/Individuals in Governance Positions

Upon determining at intake that a report concerns an employee or individual in a governance position, continue to collect information from the reporter.

Consult with the supervisor, who notifies the manager.

Consider the following when determining which receiving worksite should manage the case:

- Will anyone in the worksite likely know the employee or individual?
- Will the worksite be able to maintain neutrality?
- How quickly will the worksite be able to respond?
- Will the family's ability to access services be impacted by geography?
- What are the child/family's wishes?

Assign the case to a worksite, CFSA or DFNA (receiving worksite) where the employee or individual does not work at or have a supervisor/supervisee relationship.

Cases involving individuals in governance positions **must** be managed by a different CFSA or DFNA.

NOTE: In situations where following these guidelines would place a child at undue risk, an urgent response may be required by the worksite of the employee/individual. The file **must** be transferred to the receiving worksite as soon as it is safe and practical to do so.

Restrict the file and assign a receiving worksite in a timely manner due to the sensitive nature of allegations involving an employee or individual in a governance position.

In consultation with the supervisor and manager, the receiving worksite determines:

- the disposition of the intake,
- whether an investigation is required,
- the disposition of the investigation, and
- whether intervention services are required.

Make all intervention decisions in the same manner as with any other case.

Staff assigned to deliver intervention services must be experienced and current in the function (e.g. assessor) that they are being asked to perform.

If approached to become involved in delivering intervention services to an employee or individual in a governance position, declare any conflict of interest or dual role that may exist.

If the child of an employee/individual in a governance position requires placement with a placement provider, the staff member supporting the placement must be from a different worksite, CFSA or DFNA than the employee/individual.

No one from the employee's worksite may be involved in any case decision or in providing support services regarding the case.

No one with whom the employee has a supervisory relationship may be involved in any case decision or in providing other support services regarding the case, including an employee's direct supervisor, manager or supervisee.

Allegation Against Staff of Government Run Residential Facilities

When an allegation is made against a staff member of a government-run residential facility, follow the process for assessing placement provider concerns outlined in the Enhancement Policy Manual – Placement Resources.

Human Resource Issues

Where human resource issues arise, the supervisor or manager involves a Human Resources Consultant to assist in the management of the human resource issues.

If an employee/individual in a governance position believes that their ability to perform their duties may be impacted by personal involvement with Human Services:

- The employee is obligated to advise their immediate supervisor. The supervisor advises the manager who determines the next steps.
- The individual in a governance position is obligated to advise the chairperson of their board, committee or council.

If the manager of the receiving worksite determines that the employee/individual in a governance position's ability to competently perform their duties may be impacted, the manager, in consultation with the Human Resources Consultant and legal counsel if necessary, notifies:

- The manager of the employee.
- The chairperson of the board, committee or council of the person in the governance position.

Recording

Complete all appropriate electronic record entries.

Complete all necessary documentation to restrict the case.

Related Information

1.1.4 Restricting Intervention Records

3.1.2 Intake

3.1.3 Safety Phase

3.1.4 Intervention Services Phase

Enhancement Policy Manual – Placement Resources

Section:	**1.6 Transporting Children**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 3

Policy

Children must be transported in a safe manner. Arrange or provide transportation of a child using appropriate child safety seats. Ensure the vehicle used for transport is in safe, working condition and the driver has a valid operator's licence and carries the appropriate amount of insurance.

Purpose

The director is responsible to ensure that children in care are transported in a safe manner. Adherence to safety standards and insurance requirements increases the likelihood that a child is transported in a protected manner with minimal risk.

Procedures

All children ages 12 and under must be transported in the backseat of a vehicle.

Child Safety Seats

Any child weighing less than 18 kilograms (40 pounds) must be transported in an approved child safety seat, properly installed according to the manufacturer's instructions and the owners manual for the vehicle.

- Ensure a child safety seat has an affixed label certifying that the manufacturer complied with all standards according to the *Canadian Motor Vehicle Safety Standards*.
- A child must be transported in a rear facing child safety seat until they are at least one year of age and weigh twenty pounds.
- Utilize a tether strap and anchor when transporting a child in a forward facing child safety seat.
  - Arrange for installation of a tether anchorage if a personal vehicle is without one and obtain reimbursement through an expense claim.

- The manager is responsible for ensuring any government leased vehicle is equipped with a tether anchorage.
- The manager is responsible for ensuring that an appropriate child safety seat is available for transporting a child.

Booster Seats

A child must be transported in a booster seat if one of the following is true:

- the child weighs between 18 and 36 kilograms (40 and 80 pounds),
- the child is nine years of age or younger, or
- the child is under 145 cm tall (4'9).

Insurance Requirements

All caseworkers are required to obtain and maintain vehicle insurance with a minimum of $1,000,000.00 liability and an endorsement to carry passengers for compensation.

- Obtain and maintain appropriate insurance at all times.

Drivers

If arranging transportation of a child by an individual who is not a delegated caseworker, complete the following:

- Ensure the driver is employed by a contracted agency.
- Consult with the supervisor and obtain approval for the use of the driver. Document the consultation in Contact Notes [CS0072] or the contact log.
- Inform the driver of the following:
    - the pick up and drop off location,
    - the responsible individual at each location,
    - the number of passengers, and
    - payment according to regional procedure.

Public Transportation

Obtain approval from the supervisor to pay the fare of a child and an accompanying individual when utilizing public transportation (e.g. bus, airplane, ferry). Ensure that the individual has the legal authority to accompany the child.

Taxi

Only arrange for a child to be transported alone by taxi if there is no other option for transportation and the child is mature enough to travel alone. Obtain approval from the supervisor to transport a child alone by taxi. The supervisor must consider:

- the age and maturity of the child,
- the availability of other means of transportation, and
- the cost of the travel.

Document the supervisor's approval and the rational for using a taxi.

Placement Provider

Information regarding reimbursement of a placement provider for transporting a child is located in the Enhancement Policy Manual – Placement Resources.

Related Information

7.4.2 Approving Travel

Enhancement Policy Manual – Placement Resources

Contact Notes [CS0072]

Canadian Motor Vehicle Safety Standard 213 – Child Restraint Systems

Government of Alberta Child Safety Seats Information

To report a broken link click here.

Section:	**1.7 Transitional Legislative Provisions**	Issue Date: October 1, 2011
Subsection:	**1.7.1 Joint Guardianship Orders**	Revision Date: October 1, 2011 Page 1 of 2

Overview

Joint guardianship orders granted under the *Child Welfare Act* prior to the proclamation of CYFEA remain valid until they are terminated by the court, a private guardianship or adoption order is made in respect to the child, the child attains the age of 18 years, or the child marries. Joint guardianship remains a transitional issue between the *Child Welfare Act* and CYFEA.

Joint guardianship orders may still apply to children in the care of the Director. Engage a joint guardian in collaborative planning and decision making for a child as necessary. Consult with the joint guardian on matters affecting the child in accordance with the terms of the joint guardianship order.

Under a joint guardianship order, the director may exercise authority as a guardian to the exclusion of the other guardian and still has the sole authority to consent to the adoption of the child.

Transitional Legislative Sections

Section 116 of the *Child Welfare Amendment Act, 2003*

116(1) Any joint guardianship that exists on the coming into force of section 39[1] of this Act continues to exist until it is terminated by a Court, and sections 36(4) and (5) and 37[2] of the *Child Welfare Act* continue to apply to the joint guardianship as if section 39 of this Act had not come into force.

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[1] Section 39 of the *Child Welfare Amendment Act, 2003* repeals section 36 (joint guardianship) and section 37 (review of joint guardianship) of the *Child Welfare Act*.

[2] The text of sections 36 and 37 of the existing *Child Welfare Act* are included here for reference.

Section 36 of the Child Welfare Act

Joint guardian

36(1) If a child is the subject of a permanent guardianship agreement or order, any adult may make an application in the prescribed form to the Court to be appointed as guardian of the child jointly with the director.

(2) The applicant shall serve notice of the date, time and place at which the application is to be heard on the director not less than 30 days before the date of the hearing.

(3) The Court may make an order appointing a person as a guardian of a child jointly with the director if it is satisfied that

- (a) the person is capable of assuming and willing to assume the responsibility of joint guardianship of the child,
- (b) the person has had a significant and continuing relationship with the child,
- (c) the child has consented, if the child is 12 years of age or older,
- (d) the director is of the opinion that it cannot reasonably be anticipated that the child will be adopted within a reasonable time, and
- (e) the appointment of that person as a joint guardian will be beneficial to the child.

(4) If the Court makes an order under subsection (3), the director

- (a) subject to any order of the Court under subsection (5), may exercise all the authority of a guardian of the child to the exclusion of the other guardian, and
- (b) has sole authority to consent to the adoption of the child.

(5) If the Court makes an order appointing a joint guardian, it may, on the application of the director or the joint guardian and on being satisfied that the director and the joint guardian have been unable to negotiate an agreement or have not complied with the terms of an agreement, make an order prescribing

- (a) the access that will be provided between the joint guardian and the child, and
- (b) the conditions under which the director shall consult with the joint guardian on matters affecting the child.

Section 37 of the *Child Welfare Act*

Review of joint guardianship

37(1) If the Court makes an order under section 36, the director, the joint guardian or the child, if the child is 12 years of age or older, may apply to the Court in the prescribed form at any time for a review of the order.

(2) The applicant shall serve notice of the date, time and place at which the application for a review is to be heard on the director, the joint guardian and the child, if the child is 12 years of age or older, not less than 5 days before the date of the hearing.

(3) The Court may, on hearing the application and in accordance with section 36, continue, vary or terminate any order made under section 36.

Section:	1.7 Transitional Legislative Provisions	Issue Date: October 1, 2011
Subsection:	1.7.2 Existing Long Term Foster Care Agreements	Revision Date: October 1, 2011
		Page 1 of 2

Overview

Existing Long Term Foster Care Agreements (LTFCAs) signed under the *Child Welfare Act* prior to the proclamation of CYFEA may still apply to children in the permanent care of the Director.

LTFCAs remain valid until they are cancelled by a party to the agreement or they expire. LTFCAs expire upon the termination of a PGO or PGA or if a private guardianship or adoption order is made in respect to the child.

NOTE: Long Term Foster Care Agreements cannot be signed under CYFEA.

Review of Existing Long Term Foster Care Agreements

All LTFCA signed under the *Child Welfare Act* were reviewed upon the proclamation of CYFEA.

The review was completed to ensure that all possible permanency options had been appropriately explored for a child and that the LTFCA was in the best interests of the child in terms of permanency.

The review of each LTFCA included:

- Conversation with the child and the foster parents.
- Consultation with supervisors, regional permanency planning specialists, and First Nation designates or Métis resources, where applicable.
- Consideration of other permanency options, including adoption, private guardianship or return of the child to their Aboriginal community, if applicable.

Honouring Existing Long Term Foster Care Agreements

Where no other permanency option was determined viable, the existent LTFCA was honoured. Details regarding the decision to honour the LTFCA should be recorded in the child's file, including the following details:

- every alternative considered and why it was not chosen,
- reasons for the permanency plan on Part B of the concurrent plan,
- the child's wishes,
- plans to maintain the child's familial, cultural and religious connections, and
- if the child is Aboriginal, plans for maintaining regular contact with the First Nation or Métis community.

Section: **1.8 Children's Procedural Rights**	Issue Date: October 1, 2011
Subsection:	Revision Date: November 1, 2013
	Page 1 of 5

Policy

Procedural rights include, but are not limited to, access to information; participation in decision making; access to justice and judicial review; due process and a fair hearing; and subsequent redress. Procedural rights arise in the context of procedural law which comprises the rules by which a court hears and determines what happens in proceedings before it. Procedural law comprises the rules designed to ensure fair and consistent application of due process to all cases that come before the court.

Procedural rights must be discussed with children in a manner that reflects their age, their developmental level, any special needs they might have, and the type of intervention, as follows:

- When intervention services include removing the child from the parental home, the child must receive a copy of the appropriate Children Have Rights booklet and have the opportunity to have a discussion that includes an explanation of their procedural rights and general rights.
- A child must be informed of his or her procedural rights immediately at the time of placement.
- If the case involves a court hearing soon after the child is placed, the child must be informed of his or her procedural rights prior to the court hearing as Court will want to ensure that the child is aware of his or her rights.

Purpose

Children need to know what to expect if they are receiving services under CYFEA. All children have rights, regardless of their age. Informing a child of his or her procedural rights is not only required by CYFEA, but it provides an opportunity to develop the child's problem-solving capacity.

CYFEA increases accountability by ensuring that children are informed of their procedural rights.

- S.2(d) establishes that a child who is capable of forming an opinion is entitled to the opportunity to express his or her opinion and have it considered in making decisions that affect the child.
- S.2.1 states that the director, when it is appropriate, must inform a child of the child's procedural rights under CYFEA.

The Office of the Child and Youth Advocate provides children who are receiving services under CYFEA (and PSECA) with two types of supports in order to ensure that they are aware of and able to exercise their procedural rights:

- advocacy services per s.3, and
- legal representation, either by direct referral or court ordered per s.112.

Procedures

Definition

The term "procedural rights" refers to certain actions that must be taken. Procedural rights form an integral part of good casework practice.

Explaining Procedural Rights to a Child

Children's procedural rights must be explained in detail to them.

Depending upon the age and developmental level of the child, it may be necessary to have several discussions with a child.

- Meet with the child in a location that is comfortable for them and provides an opportunity to discuss the Procedural Rights Booklet.
- If appropriate, the caregiver (e.g. foster parent, kinship care provider, group home staff) may be included in the discussion. Ensure that caregiver's have copies of the Procedural Rights Booklets.
- Provide explanations that are age and developmentally appropriate.
- Give the child the opportunity to ask questions.
- Let the child know that he or she may ask to discuss their procedural rights at any time.
- Let the child know that his or her opinions will be considered in decisions made on his or her behalf, and that a discussion about his or her rights will occur whenever a significant decision is being made.
- The child must be made aware that he or she has the right to have a decision that is being made about him or her reviewed, either informally or formally.

- Ensure that a child who is 12 years of age or older is informed that CYFEA has certain provisions that apply specifically to them and that the director must comply with those provisions.

Procedural Rights Identified CYFEA

- A child has the right to have a lawyer represent him or her in court; a child may be represented by a lawyer through a direct referral from the court (s.112), or by referral to LRCY.
- A child has party status with respect to proceedings under Part 1, Division 3 or 4 or an appeal from these proceedings and as such is allowed to participate formally and actively in the proceedings (s111(2)).
- The child has the right to appeal a SO, TGO or PGO of which he or she is the subject, within 30 days of the judge making the order (s.114(1)).
- If a child is 12 years of age or older, the child has the right to be advised of the nature, date, time and place of every court hearing which is about him or her. The child has the right to attend court and express their opinion (s.23).
- If a child is 12 years of age or older, the child has the right to request one court review of any SO or TGO of which he or she is the subject (s.32).
- If a child is 12 years of age or older, and the subject of a TGO or PGO, the child has the right to apply for an access order, say yes or no to an access order and to request the court review the access order (s.31(4) & (5) and s.34(8), (9) & (13) respectively).
- If a child is 12 years of age or older, and the subject of a PGO, the child has the right to say yes or no to an access agreement (s.34(11)).
- If a child is 12 years of age or older, the child has the right to say yes or no to an adoption or private guardianship order that is being made about him or her (s.59 and s.55 respectively).
- If a child is 12 years of age or older, the child has the right to receive a copy of a private guardianship order of which the child is the subject (s.56).
- If a child is receiving intervention services under a secure services order, the child has the right to receive a copy of the order and a written statement explaining the reason for confinement. The child also has the right to be told when the period of confinement is over (s.44), and to be advised that the order may be reviewed or appealed (s.49).

Children Have Rights Booklets

Ensure that the child has been provided with the Children Have Rights Booklet that is most age and developmentally appropriate for the child. Two booklets are available, one for children 11 years of age or under (Children Have Rights) and one for children 12 years of age and older (Children and Youth Have Rights).

The Children Have Rights Booklets describe the rights of children who are in the care and custody of the director, including the following:

- The right to have their rights explained to them, at a level that they can understand.
- The right to live with people who care about them, respect them and keep them safe.
- The right to know their own history, culture and religion.
- The right to a reasonable amount of freedom and privacy, as long as they are safe.
- The right to be involved in decisions made about them and to know why a decision was made, including the right to know the plans made for their care, and to know why they are in care.
- The right to have contact (visit or talk) with family or friends, and to be told why if they cannot.
- The right to privacy when visiting or talking to family, as long as they are safe.
- The right to dental, optical, physical and mental health care.
- The right to an education equal to what any other child in Alberta receives.
- The right to keep their belongings with them.
- The right to develop their own identity and express themselves.
- The right to express their opinion.
- The right to learn to be the best person possible.
- The right to plan for leaving care and becoming independent.
- The right to know about and be assisted in calling the Office of the Child and Youth Advocate.

Recording

Document the date that the child's procedural rights and/or the children's rights booklet was discussed with the child on Contact Notes [CS0072] and/or in the contact log.

Related Information

1.3.0 OCYA Overview

1.4.0 Administrative Reviews and Appeals Overview

5.4.0 Secure Services Overview

7.3.0 Placement Overview

8.1.2 Legal Representation of Children and Youth

Canadian Charter of Rights and Freedoms (Part I of the *Constitution Act, 1982*)

Contact Notes [CS0072]

Children Have Rights Booklet (11 and under)

Children and Youth Have Rights Booklet (12+)

United Nations Convention on the Rights of the Child

Section: **1.9 Police Involvement and Offences**	Issue Date: October 1, 2011
Subsection:	Revision Date: April 1, 2012
	Page 1 of 3

Policy

Police may be involved in a case through several different circumstances. These include:

- act as a reporter under s.4 and s.5,
- exercise authority granted under CYFEA, or
- assist in a joint investigation.

Purpose

The role of the police is separate and distinct from the role of the director.

In a joint investigation, the director and police have differing mandates, skills, decisions to make, and actions to take. The director is responsible to determine a child's intervention needs and provide intervention services, whereas a police officer is responsible to maintain law and order, determine whether a law has been violated, and bring alleged offenders to justice.

In addition, a police officer may execute an apprehension order or apprehend without an order per s.19.

Procedures

Police as a Referral Source

Police may act as a referral source by proving a report under s.4 or s.5.

Ensure that reporter information is handled as privileged, as it is with any other person making a report per s.126.1.

Exercise of Authority by Police

Police are authorized to take certain actions under CYFEA including:

- assist in an apprehension per s.19(1)(b) and s.19(3),
- apprehending a child without an order, per s.19(12) and s.19(14),
- apprehending and conveying a child, who is the subject of a secure services order or certificate, to a secure services facility per s.48(1), 48(2), and s.48(11).

Police Assistance in a Joint Investigation

In instances where it is determined a joint investigation is necessary make every effort to coordinate this activity with police.

If there appears to be imminent risk to a child and the police are unable to respond in a timely manner, initiate an investigation without police involvement. Delays in coordinating this activity shall not limit a director's ability to provide intervention services or ensure the safety of a child.

To involve police in an investigation:

- consult with a supervisor,
- continue to provide intervention services,
- continue to provide all mandated duties as required by CYFEA, and
- involve police as directed by the supervisor.

Sharing Information with Police

When involving police in a joint investigation, information can be shared with police per s.126(1) and s.40(q) of FOIP. The **disclosure of reporter information cannot be provided** to police even when completing a joint investigation.

If police request reporter information, consult with a supervisor and legal counsel. Contact Notes or other documents that are created during a joint investigation should **only** be disclosed to police if requested and only after being vetted for privileged information.

Reporting an Offence

The *Criminal Code* includes various offences towards children such as those related to:

- failure to provide the necessities of life, and

- other violent or sexual offences toward a child.

Referral to police should occur when:

- a child has observable injuries and it is believed the injuries are a result of abuse,
- a child has been sexually assaulted, and/or
- a child whose whereabouts are unknown is believed to be in need of intervention.

In addition, if the director has reasonable grounds to believe that a person has committed an offence per s.4(6), 126.2(4) or 130, consult with a supervisor regarding referral of the matter to police.

If a director has information indicating that a person may have committed an offence:

- if appropriate encourage that person to self-report to the police, and
- where a caseworker has reasonable and probable grounds to believe that an offence has been committed, a report should be made to the police,

Recording

Record all discussions regarding the involvement with police on Contact Notes [CS0072] or a contact log.

Related Information

1.2 Releasing Information

3.1.1 Receiving Referrals

3.1.2 Intake

3.1.3 Safety Phase

Criminal Code

Contact Notes [CS0072]

To report a broken link click here.

Section:	**2.1 Indian Child**	Issue Date: October 1, 2011
Subsection:	**2.1.0 Overview**	Revision Date: October 1, 2011
		Page 1 of 1

Overview

"Indian" in CYFEA means an Indian as defined in the federal *Indian Act*.

This section addresses matters that are specific to Indian children receiving services under CYFEA.

Related Information

Indian Act

Consent to Involve a First Nations Designate or Métis Resource [CS1634p]
Cultural Connection Plan [CS4028]

To report a broken link click here.

Chapter 2: Aboriginal Children

Section:	**2.1 Indian Child**	Issue Date: October 1, 2011
Subsection:	**2.1.1 First Nations Designate**	Revision Date: October 1, 2011
		Page 1 of 6

Policy

The director is required to involve a First Nations designate (designate) in planning for a child when the child is believed to be Indian and a member of a band. The designate involved is the designate appointed by the Chief and Council of the child's member band.

If the child is:

- in need of intervention and lives on reserve, always involve the designate,
- in need of intervention but not a resident of a reserve, involve the designate only if the guardian consents, or
- the subject of a temporary guardianship order, permanent guardianship agreement or order, or an application for a permanent guardianship order, always consult with the designate regardless of whether the child is resident of a reserve and regardless of guardian consent.

NOTE: These criteria do not apply when a child is receiving services under CYFEA from a DFNA, per s.107(7).

Purpose

The involvement of a designate in planning ensures consistency as well as community and cultural expertise in supporting children and families in maintaining cultural and familial ties to their communities and preserving the child's cultural identify while in the care of the director.

S.67 and s.107 affirm the significant contribution that First Nations communities make through collaborative efforts involving CFSAs, DFNAs and the designate. S.67 requires the director to involve the designate in decision-making for a child who is being adopted. S.107 requires the director to involve the designate in planning for services to be provided for the child while the child is receiving services under CYFEA.

Procedures

Appointing a Designate

The person appointed as a designate is required to:

- complete a criminal record check,
- complete an intervention record check,
- be familiar with CYFEA, and
- sign an oath of confidentiality through the DFNA (where one exists), the nearest CFSA geographically, or the Ministry's First Nation Liaison Unit.

Designate Related to a Child Receiving Services

A designate that is related to the child or family member receiving services will need to take the issue to the Chief and Council for discussion regarding other potential individuals that could act in the stead of the designate on the particular case in order to mitigate any conflict of interest or potential conflict of interest that may exist. This will highlight the importance of protecting the privacy of those involved, and identify the potential consequences of inappropriately disclosing information.

Obtaining and Documenting Consent

In circumstances where it is necessary to obtain the consent of the guardian in order to involve a designate, discuss the potential benefits of the available supports to the child and the family with the guardian.

Inform the guardian that:

- if a temporary guardianship order or a permanent guardianship order is granted, the legislation requires that a copy of the court order will be provided to the designate regardless of their consent, and
- if an application is made for a permanent guardianship order, the legislation requires the involvement of the designate regardless of the guardian's consent.

If the guardian of a child **consents** to the involvement of a designate,

- complete the Consent to Involve a First Nations Designate or Métis Resource [CS1634p],
- mark the box that indicates consent, and
- Have the guardian sign the form.

If the guardian does **not consent** to the involvement of a designate,

- complete the consent form,
- mark the box that indicates that the guardian is does not consent to involving a designate, and
- have the guardian sign the form.

NOTE: If the guardian refuses to sign the form, indicating lack of consent, document this information on a Contact Note and place in the child's file.

Notification Requirements and Timeframes

The designate must be provided with information within specific timeframes in certain circumstances.

For a child that **lives on-reserve**:

- Notify the designate on **the day that an apprehension order is executed**.
- Provide a copy of a supervision order, temporary guardianship order or permanent guardianship order to the designate **not more that 20 days after the date of the order**, per s.107(3).

For a child that **does not live on-reserve**:

- Provide a copy of a temporary guardianship order or permanent guardianship order to the designate **not more than 20 days after the date of the order**, per s.107(3).
- Provide a copy of a supervision order to a designate **only** if the consent of the guardian to involve the designate has been obtained, **not more than 20 days after date of the order**, per s.107(4).

Working with the Designate

Involve the designate in the planning process in a manner similar to the involvement of other professionals. In particular, seek information from the designate regarding extended family members or potential community placements and in permanency planning.

Contact

- Face-to-face contact with the designate is preferable, where possible.
- Where face-to-face contact is not possible, alternate means of contact may be agreed upon between the caseworker and the designate, including telephone, video conferencing, email, fax or other written correspondence.

- Ensure that contact with the designate occurs minimally on a quarterly basis, unless the need for more frequent contact is identified and agreed upon.
- Contact the designate in the event of a placement breakdown to explore any potential appropriate placement options the designate may be aware of within the extended family or community.

Confidentiality Requirements and Information Sharing

Confidentiality

Maintain, respect and protect the confidential information received from the other parties. Only release confidential information that is authorized for release.

Ensure the confidentiality and integrity of information disclosed to other parties.

Safeguard the information received against accidental or unauthorized access, disclosure, use, modification, or deletion by staff.

In the event of unauthorized disclosure or use, immediately notify the other party in writing of the details of the unauthorized disclosure or use.

Sharing information with the designate

Information is shared with the designate under s.126(1). FOIP applies to all information obtained, released, generated, collected or provided in the designate's role with respect to any child who is the subject of an investigation, agreement or order under CYFEA.

Information provided to the designate must be limited to the personal information that is required to provide services to a child or family, or as otherwise required to carry out the responsibilities of the position. This information may include copies of court orders, notification as required and copies of concurrent or transition to independence plans.

The designate shall ensure that any information identifying a client is used and disclosed only with the consent of the director.

Information security

The designate is responsible for:

- safeguarding the confidentiality of all personal information obtained during the course of fulfilling their role,
- ensuring all personal information is kept separate from all other records, and

- ensuring that personal information cannot be accessed by any other person.

All information forwarded to the designate **must** be clearly marked “confidential.”

Information from the Designate

The designate will provide information regarding appropriate prospective placements with extended family members or within the community, or lack thereof, to the caseworker.

The designate will provide a calendar of community/cultural events and activities, and identify potential opportunities for the child’s involvement in the community.

The designate may also provide information regarding cultural resources, such as community elders.

Access to Information

Limits on the designate accessing and disclosing information

A designate has **no authority** to access or disclose any information contained in Ministry documents or electronic files.

Only staff members of a CFSA or DFNA who are duly delegated under CYFEA have the legislative authority to access, use, and disclose information contained in Ministry documents and electronic files.

The designate only has access to information provided by the caseworker.

Designate with Dual Roles

As Ministry file information is not normally accessible to a designate, when an individual who is appointed as the designate is also a staff member of a DFNA, steps must be taken to ensure that Ministry file information is not accessed or disclosed inappropriately and to ensure that the information being shared is consistent with what would be allowable for the particular role the individual is performing at the given time pertaining to a given child.

In this circumstance, the designate is responsible for clearly documenting in the file what information is shared, with whom, for what purposes and what role they were performing (i.e. designate or delegated caseworker) at the time of the disclosure.

Recording

Record all contacts with the designate on Contact Notes [CS0072] and/or the contact log as appropriate. Reference the contacts in the assessment record.

File the original signed copy of the consent form in the child's file.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
3.1.2 Intake
5.3.2 Supervision Orders
5.3.3 Temporary Guardianship Orders
5.3.4 Permanent Guardianship Orders
5.4 Registered Indian and Métis Child (Enhancement Policy Manual – Adoption)
Appendix D, Practice Supports, D-3 First Nations Designate Involvement

Freedom of Information and Protection of Privacy Act

Consent to Involve a First Nations Designate or Métis Resource [CS1634p]
Contact Notes [CS0072]

To report a broken link click here.

Chapter 2: Aboriginal Children

Section:	**2.1 Indian Child**	Issue Date: October 1, 2011
Subsection:	**2.1.2 Registered Indian**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

For every child receiving intervention services, the director must inquire with the Registrar of the *Indian Act* whether the child is eligible for, or has registered Indian status. The Registrar of the *Indian Act* has the power to determine whether a child is eligible to be registered as an Indian.

For every child receiving intervention services who is determined to have registered Indian status, determine the band membership of the child where possible and/or applicable.

Purpose

To ensure that the director does not interfere with a registered child's constitutionally protected rights and ability to exercise and receive the benefits, entitlements and rights the child might have as an Indian under the federal *Indian Act,* or whatever benefits, entitlements and rights a member or a band or Treaty Indian might have as a band member and/or Treaty Indian.

For eligible children, registration as an Indian under the *Indian Act* is a constitutional and legislative right. Band membership is a privilege granted to a child in accordance with the band membership code.

Procedures

Determination

Determine if a child has registered Indian status and band membership by asking the parent or person responsible for the care and custody of the child for this information. If the child is already registered, obtain the 10 digit registration number and band membership information.

NOTE: In this policy, the term "parent" is used instead of the term "guardian." The *Indian Act* does not use the term "guardian," but instead "parent or person who is responsible for the care and custody of the child."

If it is uncertain whether a child is registered, but there is reason to believe the child may be Aboriginal and eligible for registration, send an inquiry to:

Manager, Indian Registration and Band Lists
Indian and Northern Affairs Canada
630 Canada Place
9700 Jasper Avenue
Edmonton, Alberta T5J 4G2

Indian and Northern Affairs Canada (INAC) will respond in writing with confirmation if a child is already registered, is eligible for registration or is not eligible for registration.

Registration

If a child is eligible to be registered, facilitate the registration of the child with the Manager, Indian Registration and Band Lists at INAC by:

- requesting that the parent register the child, or
- by directly registering the child.

The Manager registers the child and provides a letter indicating the registration number. Each Registration Number has 10 digits. Interpret the numbers as follows:

- The first three numbers represent the band number.
- The next five numbers represent the number assigned to the head of a family.
- The last two numbers represent the individual's rank order in the family unit.

Registered Child, not a Member of a Band

A child may be registered as an Indian, but not a member or a band nor eligible for band membership.

The Indian Act sets out the criteria and processes for determining band membership and band membership codes, and whether an individual band or the Registrar of the Indian Act is responsible for maintaining the membership list for that band.

Each membership code identifies a specific process for applying for membership. If a registered child is not a band member, the membership code will identify who can apply to the band for membership for the child.

If the director is the sole guardian of a registered child who is not a band member:

- Consult the child's parents and request that they apply for membership on behalf of the child.
- If the parent cannot be located or will not apply for membership for the child, apply to the band for membership on behalf of the child.
- Determine the appropriate protocol for seeking membership for a child, and ensure that the band receives a copy of the letter from INAC with the registration information.

If the child's parents are members of different bands and neither can be contacted for consultation, determine in consultation with a supervisor and the bands in question with which band to affiliate the child in accordance with the membership codes.

Recording

Place the written confirmation of the child's registration or eligibility from the Manager, Indian Registration and Band lists at INAC in the child's file.

Record the registration number and band name, if applicable, in both the paper file and the electronic records.

Related Information

2.1.1 First Nations Designate

2.1.3 Rights and Privileges of Status Indian Children

Indian Act

To report a broken link click here.

Chapter 2: Aboriginal Children

Section:	**2.1 Indian Child**	Issue Date: October 1, 2011
Subsection:	**2.1.3 Rights and Privileges of Status Indian Children**	Revision Date: October 1, 2011 Page 1 of 4

Policy

Ensure that a child who is receiving services under CYFEA and who is registered as an Indian under the *Indian Act* has access to, or information on how to access, at minimum:

- registration / status Indian card
- trust accounts
- non-insured health benefits, as covered by First Nations & Inuit Health
- education benefits

NOTE: In no way is this a comprehensive or exhaustive list of the constitutionally protected benefits, entitlements or rights for a child who is registered as an Indian under the *Indian Act*, and/or has band membership, or any other federal legislation and programs pertaining to Indians.

Purpose

To ensure that the director does not interfere with a registered child's constitutionally protected rights and ability to exercise and receive the benefits, entitlements and rights the child might have as an Indian under the federal *Indian Act* or whatever benefits, entitlements and rights a member or a band or Treaty Indian might have as a band member and/or Treaty Indian.

For eligible children, registration as an Indian under the *Indian Act* is a constitutional and legislative right. Band membership is a privilege granted to a child in accordance with the band membership code.

S.71.1(b) of CYFEA requires an adopting parent to take reasonable steps necessary for the child to exercise any rights that the adoptive child may have as an Indian.

Procedures

Registration as Status Indian

All status Indian youth (16 years of age and older) must apply for their status Indian card from:

Alberta Region
Lands, Revenues & Trusts
Head, Membership Entitlement
Indian and Northern Affairs Canada
Suite 630, Canada Place
9700 Jasper Avenue
Edmonton AB T5Y 4G2

This card is required in order to access all status Indian benefits funded by the federal government.

Trust Accounts

Make inquiries to Lands, Revenues and Trusts at the above address to determine if any trust funds are being held in trust until the child reaches the age of majority. For further information call 780-495-2873.

Non-Insured Health Benefits (NIHB) Covered by First Nations & Inuit Health Benefits

First Nations & Inuit Health Benefits may pay for the following services, depending upon circumstances, where no other insurance program provides coverage for that item:

- prescription drugs
- transportation to medical facilities
- hospital admission fees
- boarding homes, translators and escorts
- dental treatments
- eye glasses
- prosthesis and medical supplies
- medicals for entering alcohol treatment centers
- emergency air ambulance
- crisis intervention counselling

- referral services:
  - Treaty 8 Area (780-495-2708)
  - Treaty 6 Area (780-495-2708)
  - Treaty 7 Area (403-292-5284)
    (780-495-2708)

Status Indian children may access all services (regardless of guardianship status) that are accessible to status Indian adults. Contact the Native Liaison Coordinators at Indian and Northern Affairs Canada or Medical Services Branch when children are denied access to services because of their relationship with Human Services.

Contact information for Non-Insured Health Benefits in the Alberta region is:

Non-Insured Health Benefits
First Nations and Inuit Health
Health Canada
9700 Jasper Avenue, Suite 730
Edmonton, Alberta T5J 4C3
Telephone: 780-495-2694
Telephone (toll-free): 1-800-232-7301

Educational Benefits

All status Indian children (regardless of guardianship status) who reside on a reserve are entitled to federally funded primary and secondary education (i.e. K-12).

Educational assistance (including tuition, training allowances, subsistence and books) for post-secondary education of various forms is also available for status Indian youth and adults.

Additional assistance may be available to status Indian children requiring special education due to extenuating circumstances.

Educational assistance may be provided through individual bands and/or tribal councils.

For further information, contact:

Indian & Northern Affairs Canada
Director
Education
Suite 630, Canada Place
9700 Jasper Avenue
Edmonton AB T5J 4G2
Phone: 780-495-2824 (for grade 1-12);
780-495-3346 (for post secondary education)

Related Information

2.1.2 Registered Indian
5.4 Registered Indian or Métis Child (Enhancement Policy Manual – Adoption)

Indian Act

Health Canada

To report a broken link click here.

Section:	**2.1 Indian Child**	Issue Date: October 1, 2011
Subsection:	**2.1.4 On/Off Reserve Verification**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Determine whether a child is designated as ordinarily resident on-reserve or off-reserve for every child receiving intervention services who also:

- is living on a reserve or in a "specified" community, or
- is of Aboriginal descent, or
- is receiving services from a DFNA.

Purpose

The information regarding on/off reserve residency is used to determine who is financially responsible for the cost of services provided to the child and family (whether INAC, a DFNA or a CFSA).

The designation of on/off reserve residency is based on the residency of the parent, guardian or caregiver at the time the intake began.

NOTE: The designation remains in effect for as long as services are provided on a continuous basis. Transitions that occur when a case moves between protective services and family enhancement services do not represent a break in services provided the services are continuous. If a file closes and reopens, on- or off-reserve residency will need to be determined again.

Procedures

Determine on- or off-reserve residency

1. Determine whether the child is:
   - Aboriginal
   - Aboriginal – Registered Indian Status or Potential to Be Registered

  - living on a reserve or in one of the "specified" communities of Cadotte Lake, Fort Chipewyan, Fort McKay, Garden River or Little Buffalo, or
  - receiving services from a DFNA

2. If the child is not included in one of the above categories, take no further action.
3. If the child is included in one of the above categories, complete the four questions for On/Off Reserve Verification Status in the electronic information system and submit it to the verification officer.
   - If the answer is "no" to all four questions, the child is designated **off-reserve**.
   - If the answer is "yes" to any question, the child is designated **on-reserve**.

When the on-reserve/off-reserve residency for a child has been determined, the verification status must be provided to the verification officer, as there may be a transfer of funds, for the following cases:

- CFSA files for all children ordinarily resident **on-reserve**, and
- DFNA files for all children ordinarily resident **off-reserve**. DFNAs must also complete forms for all children on-reserve and provide these to INAC.

The verification officer will review the information for accuracy and to determine which agency (INAC, a DFNA or a CFSA) has financial responsibility for services.

The verification officer will forward the form to the responsible agency. When the form is returned, the verification officer will either verify the decision or forward it to the caseworker for further determination.

If an issue arises, the verification officer will contact the caseworker and agency to assist in resolving the issue.

Timeframe

Verification of residency and all recording must be completed within 30 days of opening the file.

Recording

Place a hard copy of the On/Off Reserve Verification Status in the child's paper intervention file.

Contact Information

The designated verification officer is located at:

Verification Officer
10th Floor Sterling Place
9940-106 Street
Edmonton, AB T5K 2N2 Fax: 780-422-5415

Related Information

3.2.1 Case Transition

Canada/Alberta Arrangement for the Funding and Administration of Social Services (Administrative Reform Arrangement)

In January 1992, Alberta and Canada jointly announced the introduction of this document, which pertains to the funding and administration of social services to Indians living in Alberta. The Administrative Reform Arrangement:

- Is intended to ensure that all persons have access to the same or comparable level and range of services regardless of whether they live on- or off-reserve.
- Sets out the respective funding and administrative roles of Canada and Alberta in relation to services provided under CYFEA to Indians in Alberta.
- Establishes the criteria used to determine "ordinarily resident on-reserve".

On-reserve children: INAC is responsible for funding the delivery of services under CYFEA to all persons ordinarily resident on-reserve or in a specified community.

Off-reserve children: Human Services is responsible for funding and delivering services under CYFEA to all persons ordinarily resident off-reserve (excluding in specified communities).

Section:	**2.2 Métis Child**	Issue Date: October 1, 2011
Subsection:	**2.2.1 Métis Resource**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

When it is determined that a client is Métis or a client identifies themselves as Métis at any point in time while services are being provided under CYFEA, provide the client with the opportunity to involve a Métis resource in case planning, support and service provision for the child and family.

Written consent must be obtained from the guardian of a child prior to involving a Métis resource.

Purpose

CYFEA does not legislate the involvement of a Métis resource. The legislation affirms the significant contribution that Aboriginal communities make in planning for their children through collaborative efforts between the CFSAs and Métis cultural resources.

CYFEA does require, per s.57.01 and s.63(f), that a cultural connection plan is filed with the Court when an application for private guardianship or a petition for adoption of a child who is, or who is believed to be, Métis. It is best practice to determine as early as possible if a child is Métis (whether affiliated to a land-based settlement or not) as a part of comprehensive and purposeful permanency planning. The involvement of a Métis resource in planning may provide cultural expertise in supporting children and families in maintaining cultural ties to their communities and preserving the child's unique cultural identity while in the care of the director.

Procedures

Métis Resource

Métis resources **may** include:

- Region 10 Métis Settlements CFSA (for settlement-affiliated Métis children), NOTE: If a child is not affiliated to a Métis settlement, then Region 10 will refer to the Métis Nation of Alberta to determine if the child meets the criteria to be legally identified as a Métis person.

- The Métis Nation of Alberta (for Métis children who are not affiliated to a settlement), or
- Regional Métis resources, which are identified through CFSAs and may be a referral source.

NOTE: Region 10 staff are Métis resource persons. Therefore, Region 10 staff **do not** need written consent in order to work with a family and provide cultural supports when Region 10 has an open file.

Obtaining and Documenting Consent

Discuss the potential benefits of the available supports to the child and the family when seeking the consent of the guardian to involve a Métis resource.

If the guardian of a Métis child **consents** to the involvement of a Métis resource,

- complete the Consent to Involve a First Nations Designate or Métis Resource [CS1634p] form,
- mark the box that indicates consent, and
- have the guardian sign the form.

If the guardian **does not consent** to the involvement of a Métis resource,

- complete the consent form,
- mark the box that indicates that the guardian is does not consent to involving a Métis resource, and
- have the guardian sign the form.

Recording

Provide the guardian with a copy of the completed consent form.

If the guardian consents to involve a Métis resource, provide a copy of the signed form to the resource.

Place a copy of the completed consent form in the child's file.

Ensure the electronic information system reflects the child's Métis status and their affiliation to a Métis settlement, if applicable.

Related Information

2.2 Métis Child
2.3 Cultural Connection Planning
4.2.6 Permanency Planning

Consent to Involve a First Nations Designate or Métis Resource [CS1634p]

Métis Resource Contact Information

Resource	Phone Number	Website
Region 10, Métis Settlements Child & Family Services Authority	Edmonton: 780-427-1033 St. Paul: 780-645-6227 High Prairie: 780-523-6717 Paddle Prairie: 780-987-8002	www.metissettlementscfsa.gov.ab.ca/ (The website also has a full listing of community offices for the CFSA)
Métis Nation of Alberta	780-455-2200 1-800-252-7553	www.albertametis.com

To report a broken link click here.

Section: **2.3 Cultural Connection Planning**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 2

Policy

When an Aboriginal child is the subject of a petition for an adoption order or an application for a private guardianship order, the petition or application to the court must be accompanied by a plan that sets out how the child's connection to their Aboriginal culture will be maintained by the new guardians.

NOTE: The definition of "Aboriginal" for this policy is consistent with the CYFEA definition, which includes Indian, Métis and Inuit.

Purpose

Preparing a cultural connections plan per s.52(1.3) and s.63(1) will reinforce with prospective adoptive parents or private guardians the importance of preserving the uniqueness of the child's Aboriginal culture, heritage, spirituality, language and traditions.

The requirement that prospective adoptive parents or private guardians complete this plan is consistent with the statutory requirement that all decisions concerning an Aboriginal child must take into account the importance of preserving the child's cultural identity.

NOTE: The completion of this plan is not a part of the approval process for either adoption or private guardianship; the plan is submitted with the rest of the package to the court.

Procedures

Caseworker Responsibility

Ensure that the prospective adoptive parents or private guardians know that they must complete and submit the regulated form to the court at the same time that the adoption petition or private guardianship application is filed.

Provide prospective adoptive parents or private guardians with the regulated Cultural Connection Plan [CS4028].

NOTE: The requirement to complete this plan only applies to circumstances where the child has status under CYFEA.

Assist prospective adoptive parents or private guardians in completing the form as needed.

Ensure that adoptive parents or private guardians are aware that they must take reasonable steps to comply with the plan. The Court will inform adoptive parents or private guardians of this obligation.

Applicant Responsibility

The applicants will identify how they plan to:

- foster the child's connection with Aboriginal culture, heritage, spirituality, language and traditions, and
- preserve and promote the child's cultural identity.

Recording

Maintain a copy of the plan in the child's intervention file.

Related Information

Enhancement Policy Manual – Adoption

Cultural Connection Plan [CS4028]

Section:	**3.1 Assessment Phases**	Issue Date: October 1, 2011
Subsection:	**3.1.0 Assessment Phases Overview**	Revision Date: June 15, 2012
		Page 1 of 2

Overview

The Casework Practice Model is a collaborative, decision-based model designed to achieve optimal outcomes for children through consistent, evidence-based casework practice. The model provides clear expectations regarding the process for caseworkers and identifies assessment, engagement and collaboration as the key pillars in effective casework.

Assessment occurs throughout the life of involvement with the child and family from initial referral to closure of the case. It consists of three phases of assessment:

- Intake
- Safety Phase
- Intervention Services Phase

Each phase has specific assessment and documentation requirements which must be completed within specified timelines.

Summary of assessment phases

Intake

Intake represents the first of a series of assessment activities providing a preliminary assessment of the child's need for intervention beginning with the receipt of a referral. Intake determines if the information received constitutes a report and if the report requires investigation.

There are two possible outcomes, if the referral constitutes a report:

- Investigation is required.
- Investigation is not required.

Safety Phase

The safety phase begins the investigation of the child's safety and intervention needs when intake has determined that there are reasonable and probable grounds to believe that the child may be in need of intervention s.1(2)(a)-(h).

There are two possible outcomes:

- The child is not in need of intervention.
- The child is in need of intervention.

Intervention Services Phase

The intervention services phase constitutes the ongoing case and is entered when the investigation has determined that the child is in need of intervention. Services are provided to the child and family in line with the needs of the child, service plan and agreement or order. Assessment of need is ongoing throughout the period of involvement with the child. There are two possible outcomes:

- Continued intervention is not required.
- Continued intervention is required.

Section: **3.1 Assessment Phases**	Issue Date: October 1, 2011
Subsection: **3.1.1 Receiving Referrals**	Revision Date: October 1, 2011
	Page 1 of 4

Policy

The ability to receive and respond to a referral from the community regarding a child who may be in need of intervention services is of highest priority. CFSAs and DFNAs must ensure there is the capacity to receive and respond to referrals on a 24-hour a day basis 365 days per year.

Purpose

S.4(1) requires that any individual who has reasonable and probable grounds to believe a child is in need of intervention must report the matter to a director. The director must be available to receive referrals from the community and respond to those that are deemed to be reports in a timely manner.

- A "referral" is where the director receives information from a person advising that a child may be in need of intervention.
- A "report" is where upon receiving the referral, a decision is made to initiate an investigation because the director is satisfied that the information was not provided maliciously, is not unfounded, was provided on reasonable and probable grounds, and discloses that a child was in need of intervention per s.1(2).

Procedures

Requirements

- Each CFSA and DFNA must ensure staff are available to receive referrals.
- Coverage for after hours, weekends and holidays must be in place.
- Communications to the community must provide clear information about how referrals can be made and how emergency intervention services can be accessed.
- After hours protocols with community resources such as police and health resources must be in place.

- The provincial child abuse hotline number (1-800-387-5437) must be clearly communicated within the community.
- All calls from the community must be responded to by a person and not a recorded telephone message.

Court Referral

A judge may hear evidence in a court other than Family Court that leads the judge to believe that a child may require intervention services. If a judge makes a referral, assess the matter in accordance with the requirements of CYFEA.

Youth Criminal Justice Act and Police System

Section 35 of the *Youth Criminal Justice Act* (*YCJA*) allows a Youth Court Justice to make a report to Human Services and s.4 (1.1) clarifies that referrals received pursuant to s.35 of *YCJA* are deemed to be a report.

A peace officer may report a matter to the director per s.5 regarding a child under the age of 12 years who on reasonable and probable grounds is believed to have committed a criminal offence, since such a child may not be charged.

Any other referral from a youth worker, police officer or court official is made per s.4(1). Complete the usual intake procedures and consider the child's offence as only one of many factors when assessing the need for intervention.

Child of an Employee

If the report concerns a child of a CFSA or DFNA employee, complete the intake and consult with a supervisor immediately. Refer to policy 1.5 Intervention Involvement with Employees and individuals in Governance Positions and follow the procedure regarding completion of the assessment to determine need for intervention and restriction requirements.

Residential Facilities

If the report concerns a residential facility (i.e. foster home or child and youth facility), follow the procedures in the Enhancement Manual – Placement Resources.

Report to Police

Report information to police in the following instances:

- a child with observable injuries, whose injuries are believed to be the result of abuse,
- a child who is being assessed for sexual abuse, or
- a child whose whereabouts are unknown and who is believed to be in need of intervention.

Refer to Policy 1.9 Police Involvement and Offences for more information.

Failure to Report

If there are concerns that a person has not complied with the duty to report per s.4(6):

- Consult with a supervisor and seek legal advice if necessary.
- Notify the Chief Executive Officer (CFSA) or Director (DFNA) in writing. If it is determined that the person is registered under a professional or occupational regulating act, include this information in the notice. S.4(5) requires the director to advise the appropriate governing body of that profession or occupation.
- Based on reasonable and probable grounds, the Chief Executive Officer or Director decides if s.4 has been complied with and determines whether to make a referral to the police for their investigation.
- Information that a child is in need of intervention **must** be reported notwithstanding that the information may be deemed confidential per s.4(2) under another Act.

S.4(4) protects any person who reports information, so long as the reporting is not done maliciously or without probable grounds.

Exceptions:

The **only exception** to the reporting requirement under s.4(1) is information that is subject to solicitor-client privilege per s.4(3).

Recording

Record all activities on the file and electronically as required by the intake and recording policies.

Relevant Information

1.1.2 Recording Information in ISIS

1.5 Intervention Involvement with Employees and Individuals in Governance Positions

1.9 Police Involvement and Offences

3.1.2 Intake

Enhancement Policy Manual – Placement Resources

Duty Report [CS0113]

Intake [CS1872]

Policy

All referrals from the community must be assessed to determine if a child may be in need of intervention. Intake determines if:

- the information in the referral constitutes a report under s.4 or 5, and
- the report requires investigation under s.6(1).

Intake must be **completed within five working days** from the date of referral, unless it is determined that an immediate or one day response is required, and documented on an Intake [CS1872]. Allegations that present an imminent risk to a child such as suicidal ideation, an intoxicated caregiver, or severe physical or sexual abuse may necessitate an immediate response.

Purpose

Intake is the first of a series of assessment activities providing a preliminary assessment of the child's need for intervention. It involves receiving information and determining if it constitutes a report under s.4 or 5. Consideration must also be given to whether the information constitutes a report under s.1(2) of PSECA. If received information indicates that the child may be in need of protective services per DECA, the report must still be screened under CYFEA, notwithstanding that action may be taken (i.e. apprehension) under DECA.

When the information received does constitute a report, intake establishes if an investigation is required under s.6(1) to determine if the child may be in need of intervention.

Procedures

Intake Categories

Upon receiving information determine which category of intake is required:

- Intervention (CYFEA and DECA)

- PSECA
- Provider
- Inter-jurisdictional; refer to Inter-jurisdictional policy
- Supports and Financial Assistance Agreement (SFA)

Receiving Information

On receiving a referral establish:

- what incident precipitated the referral (facts, dates and descriptions),
- why the reporter is making the referral, and
- the current circumstances of, and if there is immediate danger to, the child.

Determining Whether the Information Constitutes a Report

Information constitutes a report if an investigation is initiated because the director is satisfied that the information is not provided maliciously, is not unfounded, is provided on reasonable and probable grounds, and discloses that a child is in need of intervention as defined in s.1(2).

If it does not provide reasonable and probable grounds to believe that a child may be in need of intervention, the referral is not a report. Record the referral and response and follow these procedures:

- Refer the caller to a community resource or police, if appropriate.
- Document all information in an intake recording log, or on a Duty Report [CS0113] for an open file.

If the information received constitutes a report:

- Gather as much further information as possible (see below).
- Complete the call or visit by notifying the reporter that the report will be assessed in accordance with the legislative requirements.
- Inform the reporter, if they are a professional working with the family such as school or police, that they will receive a call back once the report has been assessed. Information may only be shared to assist in the planning for, or provision of services to the child and family s.126 and FOIP.

If a reporter enquires about the status of their referral, assess whether sharing information is consistent with the provisions of s.126 and FOIP (e.g. a physician engages in an ongoing relationship with a family and information is shared per s.126(1); or a police officer is involved in an ongoing criminal investigation and information is shared per section 40(1)(q) of FOIP).

If sharing information is not consistent with the provisions of either s.126 or FOIP, advise the reporter that all allegations are assessed in accordance with the requirements of CYFEA. Consider using the Letter to Reporter [CS4038] to convey this information. Consult with legal counsel if a question or concern arises related to the sharing of information.

Custody Disputes

If the child is the subject of a custody dispute, determine the need for intervention independent of the custody dispute per s.39.

The child's intervention needs **must** take precedence over any custody or access dispute between the guardians and information received must be assessed against the criteria of s.1(2). If evidence for a custody hearing is requested, refer to policy on Releasing Information.

Determining if the Report Requires Investigation

Once a determination has been made that the referral constitutes a report gather further information to assist in determining if the report requires investigation under CYFEA i.e. the report is not malicious, unfounded or made without reasonable and probable grounds.

Gathering Information

Gather information from collateral sources to assist in the determination of the need for intervention. Explore whether collateral sources are, or may be, a support to the child and family.

Refer to s.126(4), s.126 (4.1) and s.126(4.2) and the Records Overview Policy for clarification on information that can be collected.

Information can include, but is not limited to, the following:

1. Information from the reporter regarding the situation.
    - Clarify the nature of the referral (why the referral is being made, the incident that prompted the referral, details of the abuse or neglect allegation, information regarding the alleged maltreater and any previous incidents).
    - Enquire whether the situation is recent or ongoing.
    - Identify factors that may indicate the ability of the child to self protect.
    - Collect as much identifying information as possible on all persons involved.
    - Determine whether the family is aware of the referral.
    - Identify the reporter's relationship to the family.

- Document the name, address and telephone number of the reporter unless they choose to remain anonymous.
- Document if there are any risks to a caseworker who may respond to the situation.

If indicators of parental involvement in drug activity exist refer to the *Drug-endangered Children Act* (DECA) policy.

If indicators of domestic violence exist refer to the Protection Against Family Violence policy.

Assess if there is a need for protective services under PSECA by considering:

- Is the child sexually exploited because they are engaged in prostitution?
- Is the child sexually exploited because they are attempting to engage in prostitution?

If yes to any of these questions refer to s.1(2) of PSECA for the definition of a child in need of protection services and complete a PSECA Intake if appropriate, referring to the PSECA Policy Manual. Note that legal status under both CYFEA and PSECA is possible if this meets the intervention needs of the child.

2. Regarding the Child

- Gather identifying information including name, date of birth, gender, distinct physical features and where they attend school.
- Establish the current circumstance of the child (e.g. is the child injured, alone or in potential immediate danger?)
- Note the date the reporter last saw the child.
- Gather information regarding the child's background, medical conditions, culture and lifestyle, including Aboriginal status, Métis Status and language spoken.
- Document details of extended family and any significant persons in the child's life, including contact information.
- Document details of other persons or agencies having knowledge of, or contact with the child.

If there are other children living in the home document their names, dates of birth, gender, distinct physical features and where they attend school.

3. Regarding the Adults

- Gather identifying information including name, date of birth, gender, distinct physical features and where they can be located.
- Identify the alleged maltreater.

- Clarify whether the reporter knows the guardian's explanation of the condition or injury.
- Establish the guardian's ability and willingness to protect the child.
- Identify any parenting and/or custody orders currently in place.
- Document the family composition and background information: criminal history, addiction issues, mental health issues and employment.
- Identify the family strengths.
- Establish current or previous resources available to, or accessed by, the family.

4. Reviewing electronic and paper records for prior involvement
   - Review electronic and paper records to determine whether there is information about the child, guardian, alleged maltreater or persons residing in the home.
   - Identify and document themes or patterns emerging from the record reviews.
   - Identify the following from the record reviews and/or contacting the previous case worker:
     - date and location of last involvement with the family,
     - previous concerns,
     - services provided to the family, and
     - the outcome of prior intervention.

Brief Services

Brief services are goods and/or services provided on a one time basis to the child or family during the 5 day screening period to alleviate immediate needs. The services that are provided must not be accessible through any other means and are limited to:

- repatriation,
- accommodations/rent/damage deposit,
- utilities,
- groceries,
- emergency clothing,
- medical/dental/optical: one-time assistance with medical, dental or optical costs not covered by any other program, and
- support services, e.g. homemaking services.

Consult with the supervisor and obtain approval for all expenditures.

Complete the Referral and Evaluation of Services form if making a referral to a contracted agency, detailing the referral objective.

Emergency Care

Emergency care provides **short term** care, no longer than 10 days, to a child in the least disruptive manner and may be utilized in situations where the child would be in need of intervention services (i.e. apprehension) if not for the provision of an emergency care provider (i.e. the guardian cannot be located, is incapacitated, or has died). It enables the child to remain in familiar surroundings while the guardian is being located or other plans are made **without bringing the child into the care of the director**. Refer to the Emergency Care policy if emergency care is appropriate.

Allegations

To complete the intake determine at least one allegation per child. Allegations are specific to each child and an associated alleged maltreater; they are the grounds for believing that a child is in need of intervention because the survival, security or development of the child is endangered per s.1(2).

Case Consultation with the Supervisor

The completion of intake represents an important decision point requiring supervisor consultation and approval.

- Review the intake information, allegations, analysis of safety factors and intervention needs with the supervisor.
- Determine the recommendation to be made for the intake.
- Submit completed intake to supervisor for approval.

Recommendations

If the intake assessment determines that the report is malicious, unfounded or does not provide reasonable and probable grounds to believe that the child is in need of intervention, make one of the following recommendations:

- Closure, or
- Closure with referral.
    - Indicate this recommendation when the family is referred to a community resource as a preventative or protective measure.

If the intake assessment provides reasonable and probable grounds to believe that the child may be in need of intervention services, and brief services or emergency care will not be sufficient in alleviating the need:

- Determine and indicate if an immediate, one day or standard (five day) response is required, and
- Proceed to investigation case for safety phase assessment.

NOTE: Initiate a PSECA intake if the intake assessment indicates that the child may be in need of protective services per PSECA. Legal status under both the CYFEA and PSECA is possible if this meets the intervention needs of the child i.e. the child may have an intake under both CYFEA and PSECA. If the assessment information indicates that the child is in need of protective services per DECA, the report must still be screened under CYFEA, notwithstanding that action may be taken (i.e. apprehension) under DECA.

Recording

If the referral information is determined to be a report record the information on an intake, complete within five working days of the date of the referral and complete electronic record entries. If the referral allegation is determined to not be a report record in an intake recording log, or on a Duty Report for an open file. Retain all records according to the Retaining Records policy.

All points of consultation, decision making and rationale for the decision must be documented in the intake.

Enter the following information in the intake narrative:

- contact with child (date and name/role of who had the most recent contact),
- presenting problem,
- domestic violence issues,
- community connections,
- strengths/resources,
- summary of electronic/paper record review,
- emergency care provided,
- recommendation, and
- safety (risk to caseworker, weapons, drugs, animals).

Refer to the reporter in the intake narrative and in Contact Notes [CS0072] by name on one occasion and as reporter in any other references, unless anonymous.

Related Information

1.1.0 Records Overview
1.1.3 Retention of Records
1.2 Releasing Information
3.3 Emergency Care
5.2.6 Support and Financial Assistance Agreement
6.2 Protection Against Family Violence Act
6.3 Drug-endangered Children Act
10. Interjurisdiction
Appendix B – Collaboration with Community and Government Agencies
PSECA Policy Manual
6. Assessment Provider Concerns (Enhancement Policy Manual – Placement Resources)

Drug-endangered Children Act
Freedom of Information and Protection of Privacy Act
Protection Against Family Violence Act
Protection of Sexually Exploited Children Act

Contact Notes [CS0072]
Duty Report [CS0113]
Intake [CS1872]
Letter to Reporter [CS4038]

To report a broken link click here.

Section:	**3.1 Assessment Phases**	Issue Date: October 1, 2011
Subsection:	**3.1.3 Safety Phase**	Revision Date: October 1, 2011 Page 1 of 9

Policy

S.6(1) requires the director to investigate a child's need for intervention. This investigation takes the form of a thorough, comprehensive assessment which begins in the safety phase.

The safety phase includes a Part A and Part B which constitutes the assessment of the child's safety and intervention needs. The completion of Part A is required during the safety phase. The continued assessment under Part B is based on the outcome of Part A.

Part A must be completed within 10 working days from the date of referral from intake and documented on the Safety Assessment [CS3701].

Part B may be required and must be completed within 30 working days from the end of Part A and documented on the Safety Assessment [CS3701].

Purpose

When intake has determined that there are reasonable and probable grounds to believe that the child may be in need of intervention per s.1(2), the assessment of the child's safety and intervention needs continues in the safety phase. The safety phase assessment activities involve gathering, consolidating and analyzing information for a structured in-depth assessment of the child's needs, parental capacities and environmental factors.

The outcomes at the end of the Part A may include the following:

- closed with no need for intervention,
- apprehension (order or emergency),
- CAG,
- CAY,
- SFAA,

- SO,
- PGA, or
- family enhancement services for secure services only.

For all other outcomes, Part B must be completed.

The safety phase is concluded when a determination is made about:

- the safety condition of the child, and
- the child's need for intervention.

Procedure

Custody Disputes

If the child is the subject of a custody dispute, determine the need for intervention independent of the custody dispute per s.39.

The child's intervention needs **must** take precedence over any custody or access dispute between the guardians and the referral **must** be assessed against the criteria of s.1(2). If evidence for a custody hearing is requested, refer to the policy regarding Releasing Information.

New Report

If, during the course of the safety phase, information is received that would constitute a new report under s.4 or 5, an Intake [CS1872] must be completed and the information assessed.

Reviewing Information

- Review all information from the intake and all previous file and electronic records pertaining to the child and siblings.
- Review the files of all guardians who, as a child, received intervention services.
- Contact previous caseworkers when a review of file information suggests important information requires clarification.
- Analyze the information; examine the main themes, patterns and outcomes of services from previous involvement.
- Document the case analysis of the information obtained from the review and a plan for completing the assessment, on Contact Notes [CS0072] or in the contact log.

Gathering Information

- Assess the safety of the child **within five working days** of referral from intake by having contact with the child, or someone who has direct contact with the child, other than the guardian e.g. teacher. Contact can include the reporter if the child was seen by the reporter on the day the referral was made.
- Have face-to-face contact with, and interview, every child in the home who may be at risk (alone if possible), the guardian and other care providers. The face-to-face contact with a school aged child must be made apart from the guardian.
- Convey a child to any place in order to complete the investigation if deemed necessary per s.6(2).
- Interview every sibling, residing in or out of the home, who might have knowledge about the reported concerns.
- Assess if the child is at risk due to sexual exploitation through prostitution by considering:
  - Is the child sexually exploited because they are engaged in prostitution?
  - Is the child sexually exploited because they are attempting to engage in prostitution?
    - If yes to any of these questions refer to s.1(2) of PSECA for the definition of a child in need of protective services and if appropriate complete a PSECA Intake, refer to the PSECA Policy Manual.
- Refer to the Protection Against Family Violence policy and complete the Screening Aid for Family Violence [PFVB3994], if indications of domestic violence exist.
- Refer to the *Drug-endangered Children Act* (DECA) policy if indicators of guardian involvement in serious drug activity exist.
- Obtain information from any other person or agency that is familiar with the situation. Refer to s.126 (4), 126(4.1) and 126(4.2) and the Records policy regarding collection of personal information.
- Obtain an external assessment if information is required to help determine whether the child is in need of intervention, noting that an external assessment may not be completed within the safety phase time period.
- Engage the family in the assessment process by explaining the reason for involvement and the process of assessment.

Assess Physical Injury or Sexual Abuse

When assessing a physical injury examine the child in the presence of the guardian or person caring for the child, being sensitive to the age and gender of the child. Do not physically examine the child for sexual abuse.

- Consult with the supervisor and decide if a medical examination is appropriate for either physical or sexual abuse.
- If a crime may have been committed, report the matter to the police as soon as practical and according to the procedures described in the police involvement and offences policy.
- If police are involved, coordinate the assessment with the assigned officer. If the child's interview will be videotaped, follow the protocol relating to s.715.1 of the Criminal Code referenced in the Responding to Child Abuse Handbook.
- Determine the child's capability to be interviewed.
- Interview the child alone if possible, or have the fewest possible adults present. Explain the roles of the police and ministry staff, and record non-verbal communication. Interview all siblings.

Child Discloses Abuse and/or Sexual Exploitation:

- Tell the child:
  - that the abuse was not his/her fault,
  - what the police and caseworker will do next, and
  - that if he/she is afraid to go home, options will be explored.
- Interview a non-abusing guardian as soon as possible. Determine whether this guardian is able and willing to protect the child.
- Discuss apprehension with a supervisor if a guardian is not able or willing to protect and support the child.
- Arrange a medical examination immediately.

Child Does Not Disclose Abuse and/or Sexual Exploitation:

If the child does not disclose abuse, interview the guardian and assess the need for intervention.

Medical Examination

A medical examination may be necessary if:

- the child discloses abuse,
- the child requires medical attention, or
- the assessment requires an examination to confirm abuse.

In consultation with the supervisor decide if a medical examination is required. If so:

- Accompany the child to a medical examination immediately; if possible, have the guardian attend as well.
- Consult with the supervisor if the guardian is unavailable or refuses to give consent for the child's medical examination, as an apprehension or an order authorising the treatment may be necessary s.22, and s.22(1).
- Review any parenting and/or custody orders that may be in place. Establish contact with the non-custodial guardian as appropriate.

Provide the Letter to Doctor from Caseworker re: Child's Exam [CS2825] to the physician advising:

- that court testimony might be necessary,
- the reason for the medical examination and any specific requests, and
- of the circumstances in which the child was found and as much of the following as is known:
  - The child's social and medical history, and social circumstances
  - Who has interviewed the child and whether there is a videotape
  - What injury/abuse has been reported, observed or disclosed
  - The explanations for the injuries if physical injury
  - The reason for the medical examination and any specific requests

Ask the physician:

- to determine whether there is any evidence of sexual abuse, if appropriate, and if a sexually-transmitted infection is present,
- to complete a developmental assessment and a complete physical examination,
- for an oral diagnosis, including any immediate treatment requirements, and
- for a written report describing the findings.

Interim Services

Interim services are goods and/or services used to address immediate needs in a family to stabilize a crisis situation and maintain a child in their home.

- Review brief services provided during intake.
- Consult with the supervisor and obtain approval to provide interim services.

Emergency Care

Emergency care provides a period of **short term care,** no longer than 10 days, to a child who would be in need of intervention if not for the provision of the emergency care provider (i.e. the guardian cannot be located, is incapacitated, or has died). It provides care in the least disruptive manner **without bringing the child into the care of the director**.

Safety Condition

The safety condition of the child is one aspect of the overall assessment of risk, protective factors and need for intervention. It relates specifically to the safety of the child at this point and a determination is made in consultation with a supervisor. There are three options:

- The child is safe, indicating that there are no safety concerns.
- The child is conditionally safe, indicating that the safety concerns have been resolved for the present time with the development of a safety plan.
- The child is unsafe, indicating that intervention and removal of the child is required.

Provide clear rationale in the analysis section of the Safety Assessment [CS3701] for the decision on the safety condition and its link to the outcome of the assessment, in particular if:

- the safety decision indicates that the child is safe and the decision is that further assessment is required, or
- the safety decision indicates that the child is conditionally safe and the decision is that the matter is closed.

Allegations

Allegations are specific to each child and an associated alleged maltreater; they are the grounds for believing that a child is in need of intervention because the survival, security or development of the child is endangered per s.1(2). Allegations can be created in intake, but new allegations can also be added during the safety phase.

Allegations are recorded electronically and must be disposed of by the completion of the safety assessment.

Supervisor Consultation

The completion of the safety phase represents an important decision point requiring supervisor consultation and approval.

- Review assessment information, allegations, analysis of safety factors and intervention needs with the supervisor.

- Determine if disposition of allegations (see above) is appropriate and what further actions are to be taken.
- Consider what and how information will be shared with the child and guardian.

Review of Assessment with Child and Family

- Discuss the results of the assessment with the guardian and, if age and developmentally appropriate, with the child.
- Decide in consultation with the child and guardian the actions to be taken and services to be provided whenever possible. Document rationale for not consulting with the family.

Decision

The safety phase ends with a determination about the child's safety, and need for intervention services.

If the assessment information indicates that the child is not in need of intervention:

- Notify the family of the decision.
- Dispose of each allegation.
- Make community referrals, if appropriate or requested.
- End the safety phase and assessment of the child's need for intervention.

If the assessment information indicates that the child is in need of intervention services at the completion of Part A or Part B of the Safety Assessment [CS3701]:

- Dispose of each allegation.
- End the safety phase and the assessment of the child's need for intervention.
- Open an intervention services file.
- Acquire the appropriate intervention services legal authority (i.e. court order or agreement).
- Consider when the mandatory case conference will be held; it must be held within 45 working days of completing the safety phase.

If there is an open file and the safety phase is assessing concerns in a new report, continue to provide services or make changes to services based on the current assessment.

NOTE: If the assessment information indicates that the child is in need of protective services per PSECA initiate a PSECA intake to assess for further services. Legal status under both the CYFEA and PSECA is possible if this meets the intervention needs of the child.

If the assessment information indicates that the child is in need of protective services per DECA, the report must still be screened under CYFEA, notwithstanding that action may be taken (i.e. apprehension) under DECA.

Recording

- Record all contacts, information gathered and services provided to the family on contact notes and/or contact log.
- Complete the Referral and Evaluation of Services if making a referral for an external assessment.
- Document the rationale for not interviewing the child alone on contact notes and/or contact log.
- Ensure that all points of consultation, decisions and rationale for decisions are documented on the Safety Assessment, contact notes and/or contact log and placed on the child's file.
- Document the information that was shared with the family at the end of the assessment, indicating the family's response to the information and the family's participation in the assessment and case planning process in the Safety Assessment.
- Complete the Safety Assessment and submit the recommendation to the supervisor.
- Complete all electronic record entries.

Related Information

1.1.0 Records Overview

1.2 Releasing Information

1.9 Police Involvement and Offences

3.3 Emergency Care

6.2 Protection Against Family Violence Act

6.3 Drug-endangered Children Act

7.1.1 Case Conference

PSECA Policy Manual

6. Assessment Provider Concerns (Enhancement Policy Manual – Placement Resources)

Criminal Code
Responding to Child Abuse Handbook
Drug-endangered Children Act
Protection of Sexually Exploited Children Act

Contact Notes [CS0072]
Intake [CS1872]
Letter to Doctor from Caseworker re: Child's Exam [CS2825]
Safety Assessment [CS3701]
Screening Aid for Family Violence [PFVB3994]

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Section:	**3.1 Assessment Phases**	Issue Date: October 1, 2011
Subsection:	**3.1.4 Intervention Services Phase**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Provide enhancement and protective services following an investigation under s.6(1) when it has been determined that the child is in need of intervention.

Continue to assess the needs of the child with the completion of the Ongoing Assessment [CS3703].

The Ongoing Assessment [CS3703] must be completed within 60 Days if the safety phase consisted of only Part A and within six months if the safety phase included Part B.

The Ongoing Assessment is to be completed every 6 months thereafter, yearly for a child with PGO status.

Purpose

The Ongoing Assessment is the tool within which to document the outcome of the assessment that was continued from the safety phase and reflects the full assessment information on the child and family. The completed assessment provides the basis for determining the child's ongoing need for intervention and informs case planning.

Procedures

- Review and update the service plan every three months.
- Complete the assessment records.
- Review the assessment information with the child, if age and/or developmentally appropriate, guardians and placement providers.

Related Information

4.1 Assessment Tools
4.2 Planning Tools

Ongoing Assessment [CS3703]

Section:	**3.2 Case Movement**	Issue Date: October 1, 2011
Subsection:	**3.2.1 Case Transition Between Enhancement and Protective Services**	Revision Date: October 1, 2011 Page 1 of 2

Policy

An open case may be transitioned between enhancement and protective services when it is determined that the intervention needs of the child would be more appropriately met in the other program.

Purpose

Changes in the delivery of services should be seamless when a case is transitioned between enhancement and protective services. The completion of a new intake and investigation is only required when new concerns have been reported.

Procedures

Determine if the service being provided continues to meet the needs of the child, through ongoing assessment, engagement and collaboration with the family. Any decision to change programs must occur in consultation with a casework supervisor and the rationale for the decision must be clearly documented on the file.

Moving between programs:

When moving from enhancement to protective services acquire the appropriate protective services legal authority. This authority must be acquired before the enhancement services involvement is ended.

When moving from protective to enhancement services negotiate an enhancement agreement (with guardian or youth). The agreement must be completed, signed and in place before the protective services file is closed.

Additional common steps:

- Update the legal authority electronically.
- Complete an appropriate service plan.
- Include a rationale for the change in the assessment record.

NOTE: This policy does not apply when information that would constitute a new report under s.4 or 5 is received on an open case. New concerns must be documented on a new Intake [CS1872] and the information assessed.

Related Information

3.1.2 Intake

Intake [CS1872]

Section:	**3.2 Case Movement**	Issue Date: October 1, 2011
Subsection:	**3.2.2 Case Transfer**	Revision Date: October 1, 2011
		Page 1 of 1

Policy

Case transfers should be well planned, timely and coordinated, keeping the child's best interest central.

Purpose

A case is transferred when responsibility for casework is reassigned from one caseworker to another. A transfer may be necessary because the child and/or family moves, or the child's intervention status changes. CFSAs and DFNAs may set transfer criteria for transfers occurring within their respective jurisdictions that fit the local community and service delivery requirements.

Procedures

Transferring a case

If the child and/or family transfer within the CFSA/DFNA jurisdiction follow the regionally established directives.

If the child and/or family transfers outside the CFSA/DFNA jurisdiction follow the procedures described in the Inter-regional/DFNA policy.

Recording

Complete/update the appropriate assessment record, and document all actions and decisions regarding the transfer on Contact Notes [CS0072] and/or contact log.

Related Information

10.5 Inter-regional/DFNA

Contact Notes [CS0072]

Section:	3.2 Case Movement	Issue Date: October 1, 2011
Subsection:	3.2.3 Case Closure	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Intervention service cases may be closed when it has been determined that the child is no longer in need of intervention at the:

- expiry or termination of an agreement, or
- expiry or termination of a court order.

Purpose

The decision to close a file is based on the analysis of the assessment information which indicates that the child is no longer in need of intervention. The decision must be made in consultation with a casework supervisor and must involve the family.

Procedures

Prior to making the decision

- Consult with a casework supervisor and complete a thorough review and analysis of all information gathered during the delivery of services.
- Consult with the child, family and service providers.
- Consult with the First Nations designate per s.107.
- Consult with a Métis resource if the child is Métis and consent of the guardian has been obtained.

Refer to the relevant policy for directions on specific processes for agreements and court orders.

When closing a file

- Complete an Ongoing Assessment [CS3703] for the child, which includes the information and assessment that supports the closure of the file.

- Strategize with the child or family on how to maintain changes and identify resources to provide ongoing supports, and make appropriate community referrals.
- Review the file to determine if the child was eligible for and received the Alberta Resource Rebate cheque.
- Review the file to determine if the child was eligible for an Advancing Futures Bursary.
- Review the file to determine if a Registered Education Savings Plan (RESP) was established for the child.
- Provide the youth with information from the file related to:
  - family background, except for information that could be harmful or third party personal information,
  - developmental history and significant milestones,
  - school history with names of schools and for what grades, and
  - medical history with details of procedures, childhood diseases and immunizations.
- Provide the youth with any personal items, from the file, including any identification documents, report cards, pictures and baptismal certificates.

Recording

Complete/update the Ongoing Assessment electronically.

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or contact log.

Close the ongoing case electronically.

Related Information

5 CYFEA Agreements and Orders

9.4.6 Advancing Futures Bursary

9.4.7 RESP Program for Children in Permanent Care

9.4.8 Resource Rebate

Contact Notes [CS0072]

Ongoing Assessment [CS3703]

Safety Assessment [CS3701]

Section:	**3.2 Case Movement**	Issue Date: October 1, 2011
Subsection:	**3.2.4 Leaving the Care and Custody of the Director**	Revision Date: October 1, 2011 Page 1 of 2

Policy

When a child leaves the care and custody of the director, ensure that planning has occurred for the care of the child and to assist with the transition to the new living arrangement and after care services that will meet the child's needs and ensure their safety.

Ensure that the child received appropriate medical, dental and optical care while in the care of the director.

Purpose

A smooth and well-planned transition minimizes the impact of the change to the child and ensures that appropriate supports will be in place when the child leaves the care and custody of the director.

Procedures

If a child is leaving the care and custody of the director:

- Hold a case conference to plan for the transition to the new living arrangement and after care services.
- Review with the child the appropriate plan to ensure that all of the goals have been, or will be, met by the time the child leaves the care of the director.
- Identify any financial benefits or educational incentives that the child may be eligible for:
    - Advancing Futures bursary program
    - Registered Education Savings Plan (RESP)
    - Resource Rebate
    - any funds held in trust

- If the child has not had a medical, dental or eye examination in the last year, have one completed.
- Ensure that all medical or dental treatment, needed or in progress, will be completed prior to the child leaving the care of the director.
- The treatment services card expires when the current legal authority ends. If the child leaves the care of the director before the in-care legal authority expires or is rescinded, retrieve the treatment services card from the placement provider or child and cancel it on the electronic information system.
- Cancel Alberta health care by submitting Employee Group Commencement and Termination [AHC0199].
- Cancel any financing being received on the child's behalf.
- Transition to other services, when appropriate.

Related Information

3.2.3 Case Closure
5.2.2 Enhancement Agreement with Youth
5.2.3 Custody Agreement with Youth
9.1.3 Medical Care
9.1.5 Dental
9.1.6 Eye Care
9.4.2 Obtaining Funding to Maintain a Child in Care
9.4.6 Advancing Futures Bursary
9.4.7 RESP Program for Children in Permanent Care
9.4.8 Resource Rebate

Employee Group Commencement and Termination [AHC0199]

Section: **3.3 Emergency Care**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

Emergency care provides a period of **short term care, no longer than 10 days,** to a child who would be in need of intervention if not for the provision of the emergency care provider. It provides care in the least disruptive manner **without bringing the child into the care of the director**.

NOTE: An emergency care provider cannot be used if the child is apprehended or has in care status.

Purpose

S.7 provides for the appointment of an emergency care provider and:

- allows for the care provider to enter the residence the child was found at to provide care for the child, or
- allows for the care provider to care for the child, for up to 10 days, in the care provider's own residence.
- Since the child does not have an in care status, the 10 days are not included in cumulative time in care. The caseworker must assess the ongoing safety and care needs of the child during this period.

Procedures

- An emergency care provider may be appointed during the intake or safety phase, or with an open case under enhancement or supervision order status. All decisions to appoint an emergency care provider must be made in consultation with a supervisor and may require legal consultation.

Circumstances when an emergency care provider can be appointed

An emergency care provider can be appointed when:

- the guardian cannot be located after a reasonable search,
- the guardian is incapacitated (such as being hospitalized), or

- the guardian has died.

Appointing an emergency care provider

- Locate a person, 18 years or over, who is capable of providing appropriate care and supervision to the child.
- Check the electronic records to determine whether the proposed emergency care provider or any other resident of the home might have caused a child to be in need of intervention before appointing the care provider. After hours electronic record checks may be obtained from the Edmonton Crisis Unit (Crisis Unit) or Calgary Social Services Response Team (SSRT). Use the emergency care provider only if you are satisfied that the proposed care provider presents no risk to the child.
- Determine the most appropriate residence to have the emergency care provider provide care (i.e. in the child's home or the care provider's home).
- Transport the child to the chosen residence, if necessary.
- Complete an Appointment of an Emergency Care Provider [CS1628] and provide a copy to the care provider.

Authority of emergency care provider

The emergency care provider is authorized to:

- enter and live in the residence (if other than their own), and carry out normal housekeeping activities in the residence, and
- exercise reasonable control over all children residing in the residence.

Caseworker responsibilities during appointment of an emergency care provider:

- Make all efforts, within 10 days, to locate the guardian, or determine if the guardian will be able to resume parenting the child.
- Assess if a further period of up to 10 days is appropriate **only** if the child is being cared for in the child's home and it is believed that a guardian will be available before the end of the time period. If the child is being cared for in the emergency care provider's home a further period is not possible.
- Assess if the child is in need of intervention at the end of the emergency care period. Refer to intake and safety phase policies.

Recording

- Complete the Appointment of an Emergency Care Provider [CS1628] and place a copy on the file.
- All points of consultation, decision making and rationale for the decision must be documented on Contact Notes [CS0072] and/or the contact log.

Related Information

3.1.2 Intake

3.1.3 Safety Phase

Appointment of an Emergency Care Provider [CS1628]

Contact Notes [CS0072]

Section: **3.4 Assessing 16 and 17 Year Old Youth**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

Financial assistance may be provided to a 16 or 17-year-old youth while trying to locate the guardian to assess if the youth is in need of intervention.

Purpose

The age, capabilities and needs of a youth are different than those of a child that may come to the attention of Human Services. While assessing whether a youth is in need of intervention, a youth may require some temporary financial assistance for food and shelter.

Procedures

Upon receiving a referral of a 16 or 17-year-old youth that may be in need of intervention, determine through the intake and safety phases:

- if the youth believes that it is unsafe to return home, and
- if the guardian can be located immediately to determine the risk to the youth of remaining at or returning home.

If a youth cannot safely return to the care of their guardian and **is in need of intervention**, provide appropriate intervention services.

If the issue is disagreement over the rules and it is determined that the **youth is not in need of intervention**, encourage the family to seek a resolution through counselling, mediation or making their own alternate living arrangements for the youth.

If the guardian cannot be located immediately and the youth requires financial assistance, one week of financial assistance according to the Employment and Immigration (E&I) rates (usually food only) may be provided to allow time to contact the guardian.

- Ensure that the youth's living arrangements are suitable and that any accommodation costs are within E&I limits.
- If the need for intervention cannot be determined within a week, a manager may approve providing financial assistance for up to two additional weeks to allow time to assess the need for intervention.

If the youth is from another CFSA, DFNA, province or country, follow the Repatriations Policy.

If the youth is not in need of intervention, but the guardian and youth believe that the youth cannot return home:

- Ask the guardian to make private arrangements for the youth to live with another adult.
  - If the guardian cannot or will not provide financial assistance but approves of the adult caregiver, advise the adult caregiver to apply for benefits under the Child and Youth Support Program.
- Refer the youth to Alberta Employment and Immigration.
  - A 16 or 17-year-old youth attending a full-time education program may be eligible for income support. A letter from Human Services outlining the youth's situation, their need to live independently and indicating that the child is not in need of intervention is required with the youth's application.

Related Information

3.1.2 Intake
3.1.3 Safety Phase
3.1.4 Intervention Services Phase
10.4 Repatriations

Alberta Works Online Policy Manual
Child and Youth Support Program
Learner Policy & Procedures, Learner Eligibility, Exceptions to Eligibility Criteria

To report a broken link click here.

Chapter 4: Assessment and Planning Tools

Section: **4.1 Assessment Tools**	Issue Date: October 1, 2011
Subsection: **4.1.1 Eco-map**	Revision Date: October 1, 2011
	Page 1 of 3

Policy

The eco-map must be completed as part of the comprehensive and collaborative assessment process.

Review and update the eco-map annually or more often if significant changes occur, to ensure that it provides a current representation of the child or family's ecosystem.

Purpose

An eco-map is a pictorial representation of a child and/or family's connections to persons and systems in their environment. It can illustrate three separate areas for each connection:

- The **strength** of the connection (weak/tenuous; strong)
- The **quality** of the connection (stressful; not stressful)
- The **impact** of the connection (none; draining resources or energy; providing resources or energy)

The purpose of an eco-map is to support the assessment of the child and/or family's needs and to assist in decision-making about potential interventions. It also creates a shared awareness between the child, family and caseworker of significant connections and their possible negative or positive influences.

Procedures

Position the child or family unit at the centre of the diagram. Each person and organization that forms a part of the child or family's network is named in a separate circle.

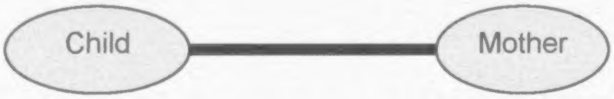
Connections to illustrate may include but are not limited to:

- Significant personal relationships (can include friends and extended family)

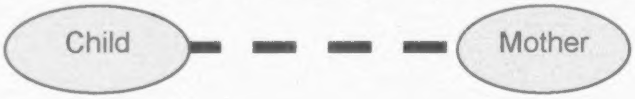
- Neighbourhood: the physical area where they live
- Community services: includes medical, mental health, substance abuse, family violence, Human Services, legal, court etc.
- Social groups: church, civic, faith, spirituality, culture, sports etc.
- Education
- Employment/income support

The connection between the child or family and an individual or organization is indicated by a line drawn between them:

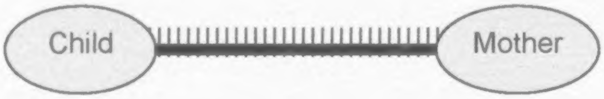
- An **unbroken bold line** illustrates a strong or close relationship



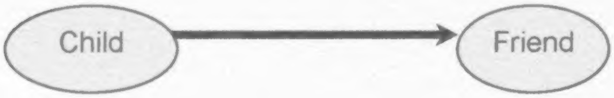
- A **line of dashes** illustrates a weak or tenuous relationship.



- A **broken line** illustrates a stressful relationship.



- To illustrate the impact of the connection, place an arrow on the end of the line indicating whether resources and energy are flowing to a person or away from a person.
  - No arrow indicates no impact, no flow of energy or resources.
  - Arrows at both ends indicates a reciprocal flow or energy or resources.



Recording

Eco-maps are preferably completed on an Ecomap template [CS1894] or may be hand drawn on blank paper or a Contact Note [CS0072] and placed in the child's file.

Related Information

Contact Note [CS0072]

Ecomap [CS1894] – paper form only

Section:	**4.1 Assessment Tools**	Issue Date: October 1, 2011
Subsection:	**4.1.2 Genogram**	Revision Date: October 1, 2011 Page 1 of 2

Policy

A genogram (minimally three generational) must be completed as part of the comprehensive and collaborative assessment process.

Review and update the genogram annually or more often if significant changes occur to ensure that it provides a current representation of the child's family.

Purpose

A genogram is a diagram representing the membership of the child's family in an easily recognizable and simply organized format. Genograms are also a useful tool for identifying resources within the family.

Common experiences, characteristics and trans-generational patterns of behaviour can become apparent during this collaborative process, helping the child and/or family members to identify repetitive patterns and to recognize hereditary tendencies.

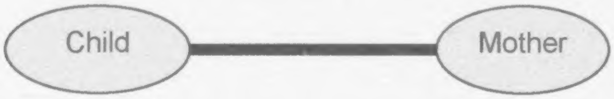
Procedures

Complete the genogram with the child (where age and developmentally appropriate) and family. Chart at minimum three generations including the child's siblings, parents, grandparents, and other children and relationships within the family system. If less than three generations are illustrated, a brief explanation must be provided.

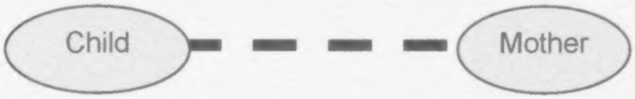
In completing the genogram:

- Use circles for females, squares for males and triangles for people of unknown gender.
- Identify deceased individuals with an "X" over the circle, square or triangle.
- Draw a line around the family members of the child's household.

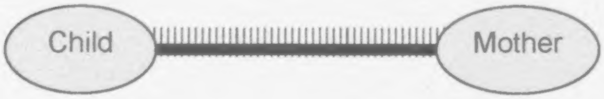
- Indicate the quality of relationships by the types of lines used:
  - An **unbroken bold line** illustrates a strong or close relationship



  - A **line of dashes** illustrates a weak or tenuous relationship.



  - A **broken line** illustrates a stressful relationship.



- Include any family members, aunts, uncles, cousins, etc. that are important to the child or family.
- Indicate birth order of children by placing the oldest child to the left.
- Record geographical location of members, dates of birth and death, cause of death, adoption, major personal attributes, significant medical issues and other life cycle events.
- Record substance abuse, family violence, suicide, criminal behaviours, occupation, and education, where appropriate.

Recording

Genograms are preferably completed using the Genogram [CS1895] or may be hand drawn on blank paper or a Contact Note [CS0072] and must be placed on the child's file.

Give copies of the genogram to the child and family members, as requested.

Related Information

Contact Note [CS0072]

Genogram [CS1895] – paper form only

Section:	**4.1 Assessment Tools**	Issue Date: October 1, 2011
Subsection:	**4.1.3 Assessment Records**	Revision Date: October 1, 2011
		Page 1 of 3

Overview

Assessment records are used throughout the casework process to assess a child's intervention needs and support the planning of intervention services. The assessment records and their completion timeframes are:

- **Safety Assessment Part A and Part B** – Part A is completed in the assessment case type within 10 days of referral from Intake, and Part B is completed within 30 days of completing Part A.
- **Ongoing Assessment** – completed in the ongoing case type within 60 days if the file is opened from Part A of the Safety Assessment and every 6 months thereafter or yearly for PGO, at transfer, and at case closure.

Purpose

The Casework Practice Model (CWPM) identifies assessment, engagement and collaboration as key to providing optimal outcomes for children and youth.

The assessment records provide a consistent means to gather, organize, record and analyze assessment information, informing case decisions throughout the life of a child's involvement in intervention services.

The Safety Assessment is used in the investigation case to determine the child's need for intervention.

The Ongoing Assessment is used in the ongoing case once a need for intervention has been established to provide a basis for case planning and determining a child's continued need for intervention.

NOTE: The Ongoing Assessment replaces the Information Consolidation [CS1874] and the Child's Social and Family History [CS2379].

Structure of the Assessment Records

The assessment records are structured in a consistent manner and include the following elements:

- Section 1 – Participants Information
- Section 2 – Domains
  - Domain A – Child's Development
  - Domain B – Parenting Capacity
  - Domain C – Family and Environmental Factors
- Section 3 – Additional Assessment Information
- Section 4 – Assessment Analysis

Completion of the Assessment Records

Gather information about the child and family as guided by the prompts and questions for the assessment record.

Refer to the Safety Phase policy for guidelines on gathering assessment information for the Safety Assessment.

At least one casework supervisor consultation note and one contact must be recorded before the assessment is submitted for approval.

Related Information

3.1.3 Safety Phase
3.1.4 Intervention Services Phase

Drug-endangered Children Act
Family Support for Children with Disabilities Act
Protection Against Family Violence Act
Protection of Children Abusing Drugs Act
Youth Criminal Justice Act

Ongoing Assessment [CS3703]
Safety Assessment [CS3701]
Screening Aid for Family Violence [PFVB3994]

To report a broken link click here.

Section:	**4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection:	**4.2.0 Planning Tools Overview**	Revision Date: October 1, 2011
		Page 1 of 2

Overview

A service plan must be completed for every child receiving services under CYFEA. The type of service plan is determined by the legal authority and may be further determined by the age of the child.

A service plan identifies specific tasks that must be completed, as well as the specific services that will be provided. Collaborative and purposeful planning is essential to achieve successful outcomes for children and families. Service plans provide a consistent approach to planning for the provision of services.

Common elements

Each type of service plan includes:

- goals,
- tasks,
- person responsible,
- signs of achievement, and
- completion dates.

Common procedures

Develop the service plan in collaboration with the child and/or guardian, and:

- negotiate the tasks and services that are required to meet the child's needs,
- clearly identify which individual is responsible for each item,
- identify desired outcomes, signs of achievement and timeframes for each item,
- print a copy of the service plan to review with the child and/or guardian and obtain signatures,
- review the service plan on a scheduled basis, and

- enter the service plan in the electronic information system.

Service Plan Types

Depending on the legal authority of the child (and age), one of the following five service plans is required for each child.

- Family Enhancement Plan
- Supervision Order Plan
- Concurrent Plan, Part A and Part B
- Transition to Independence Plan
- Secure Services Plan

NOTE: A Voluntary Service Plan also exists for legal authorities under PSECA. This plan is addressed in the Protection of Sexually Exploited Children Policy Manual.

Section:	**4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection:	**4.2.1 Family Enhancement Plan**	Revision Date: October 1, 2011 Page 1 of 3

Policy

A Family Enhancement Plan [CS3552] must be completed for each child receiving services under a family enhancement agreement. Completion of the plan must be done in consultation with the family and must coincide with the signing of the family enhancement agreement.

Purpose

The family enhancement plan is based on assessment information and is intended to address the need for intervention. The child's safety is paramount in developing the family enhancement plan and the development of goals, sub-goals, and plan items must reflect this principle.

The family enhancement plan helps to develop an appropriate action plan for meeting the child's needs and evaluate progress. It provides an accurate and complete record of the services provided on behalf of the child and measures to what extent those services address the identified goal and need for intervention.

Procedures

Involve the family in developing the family enhancement plan. If the director has reason to believe that a child is an Indian and a member of a band, involve the First Nations designate per s.67, s.107 and/or the First Nations designate policy.

Developing a Family Enhancement Plan

To develop a family enhancement plan:

- Engage the family and service providers in a process of planning and shared decision making.
- Review the assessment information with the family in relation to the need for intervention services.
    - Use the information from the assessment activities to form the basis of the plan.

  - Identify strengths described in the case assessment to build upon in planning.
- Discuss with the family and service providers the goals and tasks that address the need for intervention.
- Identify the person responsible for each task, timeframe for completion and corresponding signs of achievement.
- Identify tasks items for which the caseworker is responsible, including frequency of home visits.
- Take responsibility for the negotiation of the agreement and ensure that lack of agreement or engagement by the family or any other party does not compromise the well-being of the child.
- Review and record on the family enhancement plan whether tasks are completed within the indicated timeframes.
- Complete the family enhancement plan for a period **not exceeding three months,** when a review will be conducted and another plan completed if required.
- Provide a copy of the family enhancement plan to all parties to the plan.

Plan Participants

- All parties listed on the family enhancement agreement must be included in the family enhancement plan.
- Request all members of the service team to sign the family enhancement plan.
  - Note on the plan reluctance by any of the parties to sign the plan. This applies to reluctance to agree with either a specific goal, task, or any other item in the plan.
- Provide a copy of the family enhancement plan to all parties to the plan.

Recording

- Document on Contact Notes [CS0072] and/or the contact log, if anyone involved in the planning process cannot be at a planning meeting and the reasons.
- Enter the family enhancement plan in the electronic information system.

Related Information

2.1.1 First Nations Designate
4.2.0 Planning Tools Overview
5.2.1 Family Enhancement Agreement with Guardian or Custodian

Contact Notes [CS0072]
Family Enhancement Agreement with Guardian or Custodian [CS1616]
Family Enhancement Plan [CS3552]

Policy

A Supervision Order Plan [CS3801] must be completed for **each child** listed on the supervision order or supervision order application. The supervision order plan must indicate the extent of supervision provided by the director within the residence of the child.

Purpose

The supervision order plan is a means for documenting and developing an action plan to mitigate risk, and evaluate progress for a family involved in intervention services through a supervision order.

It provides an accurate and complete record of the services provided to the family and measures to what extent those services address the identified goals and need for intervention. It is imperative that whenever possible, the development of supervision order plans is a collaborative process between Human Services and the family.

Procedures

Make every reasonable attempt to develop the supervision order plan in consultation with the family. If the director has reason to believe that a child is an Indian and a member of a band, involve the First Nations designate per s.67, s.107 and/or the First Nation designate policy.

Developing a Supervision Order Plan

To develop a supervision order plan, complete the following:

- Engage the family and services providers in a process of planning and shared decision making.

- Review the assessment information with the family as related to the need for intervention.
    - Use the information from the assessment activities to form the basis of the plan.
    - Identify strengths described in the case assessment to build upon in planning.
- Discuss with the family and service providers the goals and tasks that address the need for intervention. The terms of the supervision order should be accurately reflected in the plan.
- Identify how often the caseworker will provide supervision within the residence of the child (must be consistent with the order) and identify all other tasks for which the caseworker is responsible.
- Collaborate with the family to develop goals and tasks, and who will be responsible for the tasks, signs of achievement, and completion dates.
- Take responsibility for the negotiation of the agreement and ensure that lack of agreement or engagement by the family or any other party does not compromise the well-being of the child.
- Provide a copy of the supervision order plan to all parties to the plan.
- Review and record on the supervision order plan whether tasks are completed within the indicated timeframes.
- Supervision order plans may cover a period equal to the duration of the supervision order but should be reviewed regularly as significant changes occur or as otherwise indicated by the family's progress.

Plan Participants

- All parties listed on the supervision order or supervision order application must be included in the supervision order plan.
- Request all members of the service team to sign the supervision order plan.
    - Note on the plan reluctance by any of the parties to sign the plan. This applies to reluctance to agree with either a specific goal, task, or to the entire plan.
- Provide a copy of the supervision order plan to all parties to the plan.

Recording

- Document on Contact Notes [CS0072] and/or contact log if anyone involved in the planning process cannot be at a planning meeting and the reasons.
- Enter the supervision order plan in the electronic information system.
- Ensure signed copies of the plan are placed on the file.

Related Information

4.2.0 Planning Tools Overview

Contact Notes [CS0072]
Supervision Order Plan [CS3801]

Section: **4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection: **4.2.3 Concurrent Plan**	Revision Date: May 1, 2014
	Page 1 of 5

Policy

Complete the concurrent plan when a child is the subject of a CAG, application for TGO or PGO, TGO, PGO or PGA. Both Part A and Part B of the plan must be completed **simultaneously**.

The concurrent plan must be initiated within 42 days of the date of an application for initial custody, a TGO or a PGO. The concurrent plan must be submitted to the court as evidence in a TGO or PGO application.

Purpose

The overall objective of the concurrent plan is permanency.

Part A and Part B of the plan both represent methods of achieving permanency.

- The goal for Plan A is permanency through reunification with the guardian from whom the child was removed.
- The goal for Plan B is permanency through an alternative plan, which will include choosing from a range of potential primary objectives, or permanency outcomes, including extended family options.

Procedures

Statuses Requiring a Concurrent Plan

Completion of both Part A and Part B

- Custody Agreement with Guardian
- Application for Temporary Guardianship Order
- Application for Permanent Guardianship Order
- Temporary Guardianship Order

- Permanent Guardianship Order if guardianship is applied for/obtained solely for the purposes of medical treatment (a treatment order).

Completion of Part B only

- All legal guardians of the child are deceased.
- Permanent Guardianship Order
- A Permanent Guardianship Agreement is signed.

NOTE: If the director applies for a TGO after a youth has been under an enhancement agreement with youth or custody agreement with youth, complete the transition to independence plan with the youth.

Developing the Concurrent Plan

- Discuss the concept of concurrent planning with the guardian, emphasizing that the primary focus of the plan is to achieve permanency for the child.
- Work collaboratively with the child, the guardian, and the placement and/or service providers to develop both the reunification plan and the alternative plan simultaneously. Where possible, this should be done face-to-face in a case conference.
- Ensure the child's participation in the development and implementation of the concurrent plan, where age and developmentally appropriate. A child aged 12 years or older should sign the concurrent plan.

Part A

The goal of Part A is permanency through reunification with the guardian from whom the child was removed. This part of the plan describes the services to be provided to facilitate the safe return of the child to guardian.

Part A:

- clearly articulates the plan for reunification,
- details services that will be provided to the child and guardian,
- identifies tasks that need to be completed by parties to the plan in order to alleviate the intervention concerns and safely return the child to the guardian, and
- identifies visitation as agreed upon or ordered.

Part B

The goal of Part B is permanency through an alternative plan, when reunification of the child with the guardian is not possible. This part of the plan focuses on long-term enduring relationships and stability of placement for the child.

Part B:

- identifies the long term plan for the care of the child,
- identifies the services required to meet the child's needs,
- identifies visitation as agreed upon or ordered, and
- identifies one of the following primary objectives:
  - adoption
  - kinship care
  - independence
  - private guardianship
  - foster care

NOTE: If the child's circumstances are extraordinary, and the permanency plan is **not** a return to parental care, private guardianship, adoption, supported independent living or independent living, ensure that any alternative permanent placement option has the **written support** of the Child and Family Services Regional Director or the Director of the DFNA or their authorized delegate by completing the Consent by a Director or Authorized Delegate [CS2047] for signature.

Identifying Significant Others

When developing Part B of the concurrent plan, utilize the genogram and the Relative and Significant Other Search [CS3503] in collaboration with the guardian to identify extended family members or significant persons that may potentially be able to provide a safe, appropriate environment for the child.

If a person who is identified as a potential placement is **not able** to care for the child, determine and document if they are interested in initiating or maintaining contact with the child.

Child's Cultural Heritage

The concurrent plan must address the child's cultural, spiritual and linguistic background, and steps required to support the child's connection to their heritage.

- Ensure that the child's cultural needs are met in a supportive environment. This requires that **all** individuals involved with the child, including placement providers and service providers have an awareness and understanding of the child's cultural background.

- When completing Part B of the concurrent plan, the director must include goals and tasks that address the cultural background of the child to foster and support the child's connection to their heritage.

NOTE: Any goals or tasks regarding the child's cultural heritage should be part of case planning, funding for these goals and tasks is not intended to be supported through a child's recreation fund.

- If the director has reason to believe that a child is an Indian and a member of a band, involve the First Nations designate per s.67, s.107 and/or the First Nation designate policy.
- Ensure that if the child is Métis, the guardian of the child is provided with the opportunity to consent to involve a Métis resource.

Review of the Concurrent Plan

An in-person review of the concurrent plan must be conducted with the participants **a minimum of once every three months**.

Reviews provide the opportunity to revise the plan, change the sub-goals and tasks to meet the current needs of the child, to update any completed tasks, to reflect any new court order (for example, an order respecting access) and to identify outstanding tasks and reasons why tasks have not been completed.

Re-evaluate the permanency objective for the child at each review of the concurrent plan in consultation with a casework supervisor to ensure that the placement continues to appropriately meet the needs of the child. If it is decided that the placement cannot meet the permanency needs of the child, then further alternative options must be explored.

NOTE: The concurrent plan must be **replaced** when the child's legal status changes.

Concurrent Plan as Evidence

Submit the concurrent plan to the court as an exhibit when an application for a temporary guardianship or permanent guardianship order is made.

Submitting the concurrent plan as an exhibit demonstrates to the court that meaningful planning has occurred for the child, and provides the court with information regarding the tasks agreed upon, services provided, and the extent to which the plan was implemented by all parties.

Recording

Document on a Contact Note [CS0072] and/or contact log as appropriate if anyone involved in the planning process cannot attend a planning meeting and the reasons.

Ensure that the original signed plan, or contract, is filed in the child's paper file. If a participant does not sign the concurrent plan, document the reasons for this on a contact note and/or contact log as appropriate.

Ensure that any consent forms are appropriately filed in the paper file.

Ensure that all electronic entries are up to date.

Related Information

2.1.1 First Nations Designate
2.2.1 Métis Resource
4.1.2 Genogram
4.2.0 Planning Tools Overview
4.2.4 Transition to Independence Plan
4.2.6 Permanency Planning

Consent by a Director or Authorized Delegate [CS2047]
Contact Notes [CS0072]
Relative and Significant Other Search [CS3503]

Section:	**4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection:	**4.2.4 Transition to Independence Plan**	Revision Date: July 22, 2014
		Page 1 of 5

Policy

Complete a Transition to Independence Plan [CS3476] for youth (16 years of age and older) who have the following legal statuses:

- CAY
- EAY
- TGO if a CAY or EAY was signed prior to the TGO application
- PGO (with a youth over 16 years of age)
- PGA (with a youth over 16 years of age)

A transition to independence plan must be completed **prior to the youth's 16th birthday.** Youth who enter care after their 16th birthday must have a transition to independence plan completed at the time of signing an agreement or obtaining a court order.

Complete a transition to independence plan for a young adult who is receiving services under an SFAA.

NOTE: Youth over the age of 16 and young adults under PSECA must have a transition to independence plan that addresses their needs related to sexual exploitation. Where a youth or young adult has status under both CYFEA and PSECA only one plan should be developed and reviewed for both program areas. Refer to the PSECA Policy Manual.

Purpose

CYFEA includes provisions to support youth/young adults in planning for a successful transition to adulthood. The transition to independence plan is used to identify immediate and future goals for the youth and assist in developing a specific plan of how to prepare the youth for independence and adulthood.

Procedures

Negotiating a Transition to Independence Plan

Address the following areas when negotiating a transition to independence plan:

Assessment

Review file information/documentation to gain a comprehensive understanding of the youth's/young adult's history (cultural, spiritual, familial, functioning level, and community).

Expectations

Clarify the department's expectations with the youth/young adult such as:

- financial contributions,
- attendance at school, employment or day program,
- use of identified resources,
- participation in regular reviews of transition to independence plan, and
- any other terms necessary in order to provide services such as:
    - a schedule of contacts,
    - medical updates,
    - rent receipts, and/or
    - consent to contact the school or the landlord.

Identification of Needs

Work with the youth/young adult to identify their dreams, goals and ambitions, and what supports (both formal and informal) and resources are needed to meet their goal of independence.

- Determine the type of supports necessary based on an assessment of the youth's/young adult's developmental needs

Support Team

In collaboration with the youth/young adult, identify individuals who can support the youth/young adult in obtaining their goal of independence.

- These individuals may be from formal organizations or community members who have a significant relationship with the youth/young adult.
- Invite the selected individuals to participate in the transition planning process. Clarify the roles and responsibilities of each member of the support team.

Completion of Transition to Independence Plan Document

Work through the sections of the transition to independence plan with the youth/ young adult and the support team.

- Identify **life skills** the youth/young adult needs to develop such as:
  - independent living skills (e.g. budgeting, cooking, securing a residence, opening a bank account, hygiene),
  - coping with stress (e.g. emotional challenges, social anxiety, prioritizing needs), and
  - learning how to obtain identification (e.g., social insurance number, birth certificate, picture identification).
- Ensure that each youth/young adult who will benefit from either inherited assets or a trust fund is aware of the **funds**, the amount available to them, under what circumstances and how to access the funds. The youth/young adult needs to be coached in budgeting, investment, estate planning and preparing a will.
- Address **education and employment development**. Identify educational plans, career aspirations and training needs. Establish a plan for addressing job readiness (including interview skills and work place etiquette).
  - Ensure that each youth/young adult who is the beneficiary of a Registered Education Savings Plan (RESP) established by Alberta Human Services is made aware of the existence of the funds, the amount they are eligible for, and how to access the funds. This should be a consideration when planning for training and post-secondary education.
  - Provide the youth/young adult with information regarding the Advancing Futures Bursary Program.
- Develop specific **placement objectives** that build towards the youth/young adult living independently. Use input from all sources to determine whether the current placement can offer stability on a long-term basis. If another placement is required to meet the youth's/young adult's long-term needs, identify potential locations, type of living situation, cost, and timing.
- Facilitate cultural, spiritual, familial, and community **connections**.
  - Encourage connection with immediate and extended family members willing to become involved with the youth/young adult in a positive way.
  - Involve immediate and extended family members in transition to independence planning, if appropriate. Ensure that the youth/young adult is in agreement to their participation.

  - Ensure the youth/young adult has a positive adult role model, mentor or significant relationship to support them in their transition to independence.
- Increase the youth's/young adult's awareness of how to access available community **service/program supports**.
  - Assist the youth/young adult in increasing their awareness of services in the community and identifying specific steps for accessing services.
  - Determine what level of support is necessary when examining the youth's/young adult's ability to achieve the goals on the plan.
  - Consideration should be given to the youth's/young adult's readiness and acceptance to access services.
- Ensure that the youth/young adult and each support team member sign off the final transition to independence plan.

Monitoring the Transition to Independence Plan

Review the transition to independence plan with the youth/young adult and support team **every three months** or more frequently if requested by the youth/ young adult or if a critical event occurs. Ensure that the plan stays relevant to current circumstances and the youth's/young adult's abilities. Every support team member reports on progress made towards the goal, sub-goals and plan items.

If it appears likely that a youth who is receiving intervention services will become a **dependant adult**, planning specific to guardianship, trusteeship, and program supports (e.g. AISH or PDD) should be incorporated into the plan and begin once the youth turns 16.

Review the transition to independence plan when the youth turns 17 and establish targets for when to end intervention services.

If at age 18 the youth is eligible and willing to enter a SFAA, review and revise the transition to independence plan to reflect their current situation.

- If at age 18, the youth has not achieved all goals identified on the transition to independence plan, they may continue to be addressed under a SFAA.

Recording

Document on Contact Notes [CS0072], and/or the contact log, if anyone involved in the planning process cannot be at a planning meeting and the reasons.

Enter the transition to independence plan in the electronic information system.

Related Information

4.2.7 Transition Planning for Youth with Disabilities

5.2.2 Enhancement Agreement with Youth

5.2.6 Support and Financial Assistance Agreement

9.3.1 Birth Registration

9.3.2 Social Insurance Number

9.3.3 Driver's License

9.4.6 Advancing Futures Bursary

9.4.7 Registered Education Savings Plan (RESP) Program for Children in Permanent Care

Contact Notes [CS0072]

Support and Financial Assistance Agreement [CS2041]

Transition to Independence Plan [CS3476]

Advancing Futures Bursary Program

To report a broken link click here.

Section:	**4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection:	**4.2.5 Assessment and the Secure Services Plan**	Revision Date: October 1, 2011 Page 1 of 4

Policy

An assessment and the development of a plan for services must be completed when a child remains in secure services for more than 10 days.

Purpose

Secure services, which may be required to stabilize a high-risk child, is the most intrusive intervention. The stabilization and assessment of a child in secure services is an on-going process, which begins at the admission of a child to secure services and continues throughout the secure services intervention. The intervention brings together the knowledge and efforts of a multidisciplinary team to assess and create a plan to stabilize and successfully transition the child back into the community.

If an order per s.43.1(7) or continuation per s.44(4) is granted, the court will expect that an assessment and the preparation of a plan for services occurs.

Procedure

Initial Period of Confinement (Maximum 10 days)

- A risk assessment **must** be completed upon entry to a secure services facility.
- Collect all relevant documented material (e.g., assessment records, agency reports) and make them available to the secure services facility to ensure the risk assessment is accurate, focused and builds upon the assessment material completed prior to the secure services intervention.

- Determine within the first 10 days if the child is likely to have sufficiently stabilized during the initial period of confinement and when the child will be ready for discharge. If the caseworker and the multidisciplinary team believe that:
  - the child **can be stabilized** during the initial 10 day period, then the assessment beyond the risk assessment and the secure services plan **do not** have to be completed, or
  - if the child **requires a further period of confinement** to stabilize, or assess and prepare a plan for services, **complete the assessment and the Secure Services Plan** [CS3511].

Multidisciplinary Team

A secure services intervention requires collaboration with the secure services staff to plan for the child and their successful return to the community. This multi-disciplinary approach increases cooperation and collaboration with guardians and secure services staff.

Case Conferencing Requirements

A minimum of 3 case conferences must take place with the multidisciplinary team during the course of a maximum 30-day intervention in secure services.

The purpose of the case conferences is to discuss the findings of the assessment and to develop and implement the secure services plan.

The method used to hold the case conferences is negotiable between the caseworker, facility and others involved.

The **first case conference** is the intake meeting, and **occurs at the time of placement** in a secure services facility.

The **second case conference** is a planning meeting, which **occurs prior to any application for a further period of confinement**. The method used to access secure services impacts when the case conference occurs:

- If a 5-day order was granted, the conference should take place prior to the 5th day to determine if an additional order of up to 5 days should be requested.
- If a secure services certificate was issued, the case conference should occur prior to the 3rd day to determine if an additional order for up to 7 days should be requested.

The purpose of the case conference is to:

- discuss if further assessment is required,
- identify if the child continues to require services offered through secure services, and
- determine if a further period of confinement is required, and develop the secure services plan with the multidisciplinary team, as required per the legislation.

The **third case conference** is also a planning meeting that **occurs prior to the 10th day that a child is in secure services**. The purpose of this meeting is to:

- identify if the child continues to require secure services,
- ensure that the secure services plan has been prepared, and
- determine if an additional order for up to 20 days should be requested.

NOTE: The total maximum time that a child may remain in secure services is 30 days.

Additional conferences may be required depending on the needs of the child and the requirements of the court process.

Prior to discharge, the multidisciplinary team will hold a **discharge case conference** to discuss and finalize the transition of the child into a community. The decisions will be reflected in the secure services plan.

Assessment and Secure Services Plan

Ensure that all members of the multidisciplinary team are identified and invited to participate in the case conferences.

Involve the child in the development of the secure services plan when possible.

The team reviews the assessment and addresses all components of the secure services plan at the case conferences including:

- whether the child continues to meet the criteria for confinement outlined in CYFEA,
- the services required to stabilize the child,
- the services the child will receive while in secure services, and
- the services required upon discharge.

The secure services plan provides a detailed description of the services and interventions to be provided to the child and addresses four areas of planning which include:

- stabilization,
- safety,
- transition, and
- placement upon discharge.

Document the goals, services and tasks agreed upon by the multidisciplinary team on the secure services plan for each area of planning.

All parties referenced by the plan are responsible for implementing the tasks according to the document and reporting on the progress at subsequent case conferences.

When there are incomplete tasks, the person responsible provides the reasons and seeks direction from the multidisciplinary team in order to complete or alter the task.

Recording

Complete electronic record entries.

Related Information

5.4.0 Secure Service Overview

Secure Services Plan [CS3511]

Section:	**4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection:	**4.2.6 Permanency Planning**	Revision Date: October 1, 2011
		Page 1 of 5

Policy

Permanency planning is a child-specific, dynamic process that begins as soon as a child becomes the subject of an EAY, CAY, CAG, TGO, PGO or PGA.

Complete either the concurrent plan or the transition to independence plan, depending on the child's legal status and age, and review regularly to address the permanency planning for the child.

Purpose

Enduring relationships and stable placements, two key components of permanency, are fundamental to a child's healthy development and ability to achieve his or her full potential. The earlier permanence occurs, the more beneficial it is for the child. The objective is for every child to be a wanted and valued member of a family unit, and to live in an environment with nurturing caregivers who will support the child through a successful transition into adulthood, and who are prepared to facilitate the establishment and/or maintenance of life long positive relationships.

The goal of permanency planning is to cultivate a sense of belonging and well-being for each child receiving services under CYFEA. A successful permanency outcome is one that builds on stability, attachment and belonging for the child.

Permanency planning:

- occurs in a purposeful and collaborative way,
- respects the specific circumstances of the child and family,
- ensures the child's physical, emotional, social, cultural, cognitive and spiritual well-being,
- recognizes the value of past and current significant relationships for the child,

- maintains the child's positive connections to family history, traditions, race and ethnic heritage, culture, community, religion and language,
- maintains the child's positive connections to extended family, siblings, and other significant adults where appropriate, based on the child's needs,
- minimizes disruptions for the child,
- considers the perspective of the child,
- considers the best interests of the child, in keeping with the Matters to be Considered in s.2, and
- ensures that the child has the opportunity to mature to his or her potential with a strong natural support network.

Procedures

Supporting Enduring Relationships

It is critical for each child to have a positive, enduring relationship with at least one significant adult. Support the child in building healthy relationships and maintaining enduring relationships

- Utilize the genogram, assessments and the Relative and Significant Other Search [CS3503] to locate potential alternative placements for the child, and to locate persons who are significant to the child.
- Utilize the eco-map to encourage the child to identify the significant relationships in his or her life.
- Facilitate the stability and continuity of significant positive relationships for the child by promoting and supporting ongoing contact.
- Facilitate the extended family having a positive role in the life of the child in the event that extended family members are unable to provide care or pursue long term custody.
- Recognize that if a child has developed a positive, healthy attachment to a temporary placement provider, that person can become a significant adult to the child.

Document any decision about potential placement or maintaining ongoing contact with extended family or with significant individuals identified for a child, including the rationale behind the decision and who was consulted when considering various permanency options for a child.

Permanency Planning and the Concurrent Plan

Part A and Part B of the concurrent plan both have a goal of permanency and are developed simultaneously. Part B is implemented when the determination is made that the plan for reunification with the guardian found in Part A is not a possibility. It is critical that the permanency objective identified in Part B for the child consider both stability of placement and positive, significant relationships.

Permanency Planning and the Transition to Independence Plan

For youth aged 16 and 17 years who are receiving services, permanency planning needs to take into account any plans the youth may have for vocational training or post-secondary education, existing formal and informal support networks for the youth and any supports or services that the youth will require to attain independence.

Permanency Needs of the Child and Placement

Determining whether the child's current placement can meet the permanency needs of the child is a critical first step.

- Consider where the current placement falls on a continuum of potential placement options, listed below:
    - reunification
    - placement with non-custodial parent, if suitable
    - placement with adult members of the extended family (kinship care), if suitable
    - placement with other significant adults in the child's life, if suitable
    - adoption
    - private guardianship
    - supported independent living or independent living
    - foster care
    - residential facility
- Assess the willingness and ability of the caregiver to:
    - facilitate contact between siblings through regular phone calls, visits and overnights with siblings in the event that they are not placed together,
    - work towards reunification,
    - support and facilitate positive relationships with extended family members,
    - support and facilitate positive connections to the child's friends, community and culture,
    - facilitate a transition to a preferred permanent placement,
    - support an adolescent in preparation for independence, and

- maintain a positive relationship with the child (where appropriate) even when they have left the placement, as the child may develop a significant attachment to temporary caregivers.

Child's Cultural Heritage

Permanency planning must address the child's cultural, spiritual and linguistic background and a strategy to maintain the child's culture and heritage.

Involvement of the First Nations Designate

The First Nations designate may make a significant contribution in permanency planning activities for a child.

Ensure that the First Nations designate is involved per legislative requirements. S.67 requires the director to involve the designate in decision-making for a child who is being adopted. S.107 requires the director to involve the designate in planning for services to be provided for the child while the child is receiving services under CYFEA.

Involvement of a Métis Resource

A Métis resource may make a significant contribution in permanency planning activities for a child. When working with a Métis child and their family, ensure that the guardian is provided the opportunity to consent to involve a Métis resource. Refer to Métis Child policy.

Recording

Document all persons identified as significant to a child on the Relative and Significant Other Search [CS3503], the assessments, a Contact Note [CS0072] and/or the contact log, particularly where the individual was considered as a placement resource.

Related Information

2.1.1 First Nations Designate

2.2.1 Métis Resource

4.1.1 Eco-Map

4.1.2 Genogram

4.2.0 Planning Tools Overview

4.2.3 Concurrent Plan

4.2.4 Transition to Independence Plan

Enhancement Policy Manual – Adoption

Consent by a Director of Authorized Delegate [CS2047]

Consent to Involve a First Nations Designate or Métis Resource [CS1634]

Contact Notes [CS0072]

Relative and Significant Other Search [CS3503]

Section:	**4.2 Planning Tools**	Issue Date: October 1, 2011
Subsection:	**4.2.7 Transition Planning for Youth with Disabilities**	Revision Date: October 1, 2011
		Page 1 of 5

Policy

Transition planning for youth with disabilities **must** occur prior to the age of 16.

At age 16, utilize the Transition to Independence Plan [CS3476] to set independence objectives and identify adult services that will address the complexity of the youth's needs and ensure a successful transition to adulthood.

Purpose

Every youth attains the age of majority at 18 however, each youth attains independence at a different age. Transition planning is a highly individualized process that must be specific to the capabilities of the youth.

The transition to independence plan must promote and be consistent with independence objectives, even when a youth may not fully achieve independence as an adult due to the need for specialized supports as an adult.

Procedure

Determine whether a youth may require services for special needs as an adult.

Youth that require specialized supports to improve their ability to participate in daily activities at home, at school and in the community may include youth with:

- developmental disabilities,
- mental illness or mental health concerns,
- physical disabilities,
- medical or health conditions,
- Fetal Alcohol Spectrum Disorder,
- brain injuries, and/or
- significant impairments in daily functioning.

Assess whether the youth will require another person to assist or make decisions about the youth's personal or financial affairs when they are an adult.

At least one year prior to their 18th birthday, consult where appropriate:

- relatives and significant others of the youth on their willingness to make a guardianship application,
- the First Nations Designate per s.107 for possible guardian options if the director has reason to believe that the youth is an Indian and a member of a band, and
- the former guardians/parents of a youth who is the subject of a PGO. (The responsibilities expected of a director are different from those responsibilities expected of a guardian of a dependent adult. Former guardians/parents of a youth who was the subject of a permanent guardianship order may be appropriate guardians for their youth as a dependent adult.)

Referrals

Explore government programs, natural and community supports to determine their suitability to meet the needs of the youth. These may include:

- the Office of the Public Guardian
- Assured Income for the Severely Handicapped
- Persons with Developmental Disabilities
- the Office of the Public Trustee

Make appropriate referrals on behalf of the youth.

NOTE: An application for guardianship or trusteeship under the *Adult Guardianship and Trusteeship Act* may be made **up to 12 months before** the youth's 18th birthday.

Advocate, on behalf of the youth, to ensure that appropriate supports are established for the youth and in place prior to or on the youth's 18th birthday. Additional advocacy may also be necessary in the event that an initial application for specialized supports is rejected, and an appeal is necessary.

NOTE: Not all youth will be eligible for formal programs as adults and there may be regional differences in processes.

Adult Guardianship and Trusteeship Act (AGTA)

The AGTA provides options and safeguards to protect and support vulnerable adults who require assistance, or are unable, to make personal or financial decisions for themselves. This legislation allows for guardians and trustees to be appointed for these adults.

Guardianship

A guardian may be appointed by the court under the AGTA to make personal decisions for an adult who lacks the capacity to make personal decisions in some or all of the following areas:

- health care,
- where the adult can live,
- who the adult associates with,
- social activities,
- educational or vocational training,
- employment,
- legal matters, or
- other personal matters as determined by the court.

Trusteeship

A trustee may be appointed by the court under the AGTA to make financial decisions for an adult who lacks the capacity to make their own financial decisions.

Office of the Public Guardian (OPG)

The OPG provides surrogate decision-making, supports and safeguards to dependent adult Albertans who are unable to make personal, non-financial decisions independently.

- If there are no guardianship options for the dependent adult, refer the matter to the OPG **up to 12 months prior to their 18th birthday**.
- Ensure the application package and related forms are completed and submitted prior to the youth's 18th birthday to ensure commencement of appropriate adult services.
- Meet with the representative of the OPG and youth to discuss the needs and wishes of the youth.
- The OPG will make an application to court if appropriate.

Office of the Public Trustee (OPT)

The OPT is appointed by the Government of Alberta under the *Public Trustee Act* to protect and manage the financial interests of vulnerable Albertans and act on behalf of people with mental disabilities, administer the estates of deceased persons and protect the property interests of minors. An application for trusteeship may be made **up to 12 months before the youth's 18th birthday**.

Assured Income for the Severely Handicapped (AISH)

AISH provides essential financial and health benefits to individuals who have a severe, permanent disability that substantially limits their ability to earn a living.

- Obtain the application package for AISH from the nearest local Employment and Immigration office. (Applications to the AISH program are accepted **up to six months prior to the youth's 18th birthday**.)
- If the youth or caseworker disagrees with any decision regarding the benefits or eligibility for the youth, follow the program's appeal process.

Persons with Developmental Disabilities (PDD)

PDD provides funding to pay for staffing to support individuals with developmental disabilities to participate in the community.

- Initiate the referral process **when the youth turns 16**.
- If a youth is not eligible for services through PDD, the intake coordinator will provide referrals and information on other programs and services that may be more appropriate.
- Disagreements with decisions regarding eligibility are addressed through a mediation and resolution process.

Alternate Services to Consider

Not every youth with a disability will be eligible for funding or formal supports. Consider alternate supports through the health regions, community mental health programs and other community programs which may include:

- consulting with FSCD for disability related resource information as well as to assist with case planning,
- adult homecare services to address chronic medical or physical care needs,
- the local health region, Alberta Mental Health or the Canadian Mental Health Association to address mental health issues,
- the Alberta Brain Injury Network,
- local or regional programs for Fetal Alcohol Spectrum Disorder, or
- natural individual supports through community groups, clubs, volunteer organizations, church or cultural organizations.

Related Information

2.1.1 First Nations Designate

4.2.4 Transition to Independence Plan

Adult Guardianship and Trustee Act

Public Trustee Act

Transition to Independence Plan [CS3476]

Assured Income for the Severely Handicapped

Employment and Immigration

Office of the Public Guardian

Office of the Public Trustee

Persons with Developmental Disabilities

Program Coordination Protocol Between CIS and FSCD

To report a broken link click here.

Section: **5.1 Cumulative Time in Care**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

Per s.33(2) of CYFEA, the **total cumulative time** that a child may be in the care of the director cannot exceed:

- 9 months if the child is under 6 years
- 12 months if the child is 6 years or older.

If a child turns six while in the care of the director, the total cumulative time in care shall not exceed12 months per s.33(2)(b).

Per s.33(3) the court may grant **one further TGO** for **one period** of **not more than six months** if the court is satisfied that:

- there are good and sufficient reasons to do so, and
- it is anticipated that the child may be returned to the custody of the child's guardian within the period of the order.

NOTE: This applies to both children under, and over, the age of six.

Purpose

Earlier permanency for children is paramount for their healthy development. Child development and attachment issues are primary considerations in permanency planning. Research has demonstrated that children under six years are at risk developmentally if they are unable to form loving, stable and sustainable relationships.

The **maximum total cumulative time** that a child may be in the care of the director or the subject of a TGO is:

- up to 15 months if the child is under 6 years, or
- up to 18 months if the child is 6 years or older.

Procedure

In-Care Statuses Included in Cumulative Time in Care

Cumulative time in care is counted for children in the care of the director under the following in-care statuses:

- custody agreements (with guardian or youth),
- custody orders granted under s.21.1(2)(a),
- temporary guardianship orders and extensions, and
- interim orders granting custody to the director on adjournment under s.26(2).

Counting Cumulative Time in Care

Manually calculate the total cumulative time in care to ensure an accurate count of a child's cumulative time in care.

Exclude

Exclude the following when calculating cumulative time in care:

- Up to 10 days upon apprehension (s.21(3), 22) prior to an application under s.21.1 being heard in court. (The exemption excludes the day of apprehension and includes the day the subsequent application is heard.)
- Up to 42 days of adjournment time prior to the court disposing of an application for an initial custody order under s.21.1. (The exemption begins the day that an application for TGO or PGO is filed with the court following an apprehension.)

Include

Begin counting with, and include the following, when calculating cumulative time in care:

- The day that a custody agreement is signed.
- The day that an initial custody order is granted.
- The day that a TGO or PGO is granted.

Exclude previous time in care if:

- Five years have elapsed since the child was last in the custody of the director or the subject of a PGO or PGA (s.33(4)(a)).
- A child is the subject of an adoption order or private guardianship order and returns to the custody of the director (s.33(4)(b)). (This does not apply if the guardianship was granted under the *Family Law Act*.)

Timeframes for Siblings

If the intent is to have siblings returned home together, remain together in an alternate placement, or other similar circumstance, **only** the legislated timeframe for the youngest child may be used for all siblings. Using the timeline for the oldest child is **not** an option.

Children Coming Back into Care

If a child must come back into the care of the director and:

- the maximum total cumulative time in care has been exhausted, **and**
- less than five years have elapsed since the child was in the custody of the director.

Apprehend the child and make a direct application for PGO.

Related Information

5.2.3 Custody Agreement with Guardian
5.2.4 Custody Agreement with Youth
5.3.1 Apprehensions
5.3.3 Temporary Guardianship Orders
5.3.4 Permanent Guardianship Orders
5.3.7 Custody Orders

Checklist for Court Documents

To report a broken link click here.

Section:	**5.2 Agreements**	Issue Date: October 1, 2011
Subsection:	**5.2.1 Family Enhancement Agreement with Guardian or Custodian (EAG)**	Revision Date: October 1, 2011 Page 1 of 4

Policy

The director may enter into an enhancement agreement with a guardian or person who has custody (custodian) of a child when:

- the child is in need of intervention per s.1(2),
- the child's needs for intervention can be satisfied by family enhancement services and the child's safety can be assured while the child remains in the care of the guardian or custodian, and
- the guardian or custodian is willing to enter into an agreement.

The director may sign an EAG for periods of up to **three months** at a time.

Services may be extended under subsequent EAGs with supervisory review and approval. If enhancement services are provided for a period longer than **six months**, supervisory approval and managerial notification are required.

Purpose

Enhancement services are the least intrusive type of intervention services available under CYFEA, and are provided when a child's need for intervention per s.1(2) does not require protective services. The primary goal of an EAG is to work collaboratively with the family to address and eliminate the condition that caused a child to be in need of intervention.

The director may enter into an agreement with the guardian or custodian, per s.8, when the director is of the opinion that

- the child is in need of intervention, and
- the provision of enhancement services will adequately protect the child's survival, security or development if the child remains with the child's guardian or custodian.

Procedures

Negotiating an EAG

Review the assessment information with the guardian to ensure accuracy and agreement with the information gathered.

Identify all siblings who are in need of intervention in the agreement and include them in the planning. Do not include siblings who are not in need of intervention in the agreement.

When negotiating the agreement and determining what services and supports will be provided:

- Ensure that the guardian or custodian has a full understanding of the purpose of the agreement.
- Ensure that the guardian or custodian understands the services and supports provided through family enhancement as services.
- Make every effort to engage the guardian or custodian in a collaborative and cooperative working relationship to address the intervention concerns.
- Explore the ability of the family to access community resources.
- Explore the ability of the family to contribute to the cost of services through financial or in kind contributions.

Entering into the agreement

In collaboration with the guardian or custodian,

- choose an appropriate duration for the agreement, up to the three month maximum,
- complete the Family Enhancement Agreement with a Guardian or Custodian [CS1616],
- complete the Family Enhancement Plan [CS3552],
- have the guardian or custodian sign a Consent to Release Information [CS0470] if the family arranges or pays for a service, so that information may be obtained from the service provider, and
- explain the effect of the consent to the guardian or custodian so it is understood and inform the guardian or custodian that their consent can be revoked at any time.

Family Enhancement Plan

The family enhancement plan must be negotiated at the time that the EAG is signed. The plan may be altered upon review to ensure that the services provided to the child and guardian or custodian are appropriate to meet the identified needs. The plan should also clearly identify the frequency of contact between the director and the family.

Changing the Agreement

Varying an Agreement

- Determine that the circumstances have changed and there is a need to vary the agreement with the guardian or custodian.
- Review the existing agreement and family enhancement plan with the guardian or custodian.
- Negotiate a revised agreement and plan that reflects the current circumstances and needs of the family.

NOTE: In the event that the needs of the child have changed and a variation of the agreement is not sufficient to meet these needs, review the situation with a supervisor to determine if protective services are required.

Extending an Agreement

- Ensure that the case assessment supports extending the agreement and that the child continues to be in need of intervention.
- Ensure that approval is obtained from a supervisor or manager, as appropriate, to extend services.
- Revise the family enhancement plan to reflect the continued need.

Replacing an Agreement

The level of intervention services required in order to meet the child's needs may change over the duration of the agreement.

- When it is determined that an EAG is no longer adequate to meet the child's intervention needs, determine if a more intrusive intervention is required, such as the provision of protective services (i.e. supervision order, custody agreement, apprehension). See Case Transition policy.

Terminating an Agreement or Allowing an Agreement to Expire

- Review the terms of the agreement and the family enhancement plan with the guardian or custodian.
- Establish that the child is no longer in need of intervention.
- Plan for the withdrawal of services by consulting with the child and family about strategies to maintain changes, resources available to provide ongoing supports, and make appropriate community referrals, if appropriate.

- Close the file.

NOTE: In the event that a guardian or custodian decides to terminate an agreement, review the situation with a supervisor to determine if the child continues to be in need of intervention or if further action is required.

Closure

All decisions to close a case **must** be made in consultation with a supervisor. A case may be closed in the following circumstances:

- when it is mutually agreed that the need for intervention no longer exists,
- when either party to the agreement wishes to cancel the agreement, **or**
- at the expiry of the agreement.

Recording

Create and maintain a separate file for every child who is identified in the agreement as being in need of intervention.

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or in the contact log, as appropriate.

Ensure all electronic entries are up to date, including the start and end date of each agreement.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
3.2.1 Case Transition between Enhancement and Protective Services
3.2.3 Case Closure
4.2.0 Planning Tools Overview
4.2.1 Family Enhancement Plan
7.1.2 Caseworker Contact

Consent to Release Information [CS0470]
Contact Notes [CS0072]
Family Enhancement Agreement with a Guardian or Custodian [CS1616]
Family Enhancement Plan [CS3552]

Section: **5.2 Agreements**	Issue Date: October 1, 2011
Subsection: **5.2.2 Enhancement Agreement with Youth (EAY)**	Revision Date: July 22, 2014 Page 1 of 7

Policy

The director may enter into an enhancement agreement with a youth, 16 years of age or older, when a youth:

- is living independently from their guardian, **and**
- requires intervention to meet their needs with a limited degree of supervision and support.

An enhancement agreement may be signed with a youth for a period of up to **nine months**.

The director may continue to enter into subsequent EAYs with a youth until the youth's 18th birthday.

NOTE: Under an EAY, the director **does not** assume guardianship or custody of the youth.

A youth under an EAY is **not in care**, therefore a youth with an EAY **cannot** be placed with an approved placement provider (i.e. foster care, kinship care, group care or residential treatment), as this requires a CAY at minimum.

The youth must be living independently, (e.g. in a room and board setting, in a shelter program, a supported independent living (SIL) program or independently in a private residence).

Purpose

The director may enter into an enhancement agreement with a youth per s.57.2(1), when the director is of the opinion that

- the youth is in need of intervention per s.1(2), and
- the provision of services under this agreement will adequately protect the youth's survival, security, or development while the youth continues to live independent of the youth's guardian.

Procedures

Assessing Youth Competency to Enter into an Agreement

Prior to entering into any agreement with a youth, assess the youth's competency to:

- make a rational and well-thought out decision to enter into an agreement,
- understand the consequences of entering or not entering into an agreement, and
- comply with the terms of the agreement.

Be cognizant of any potential barriers to the youth's ability to comply with the terms of the agreement.

Determine, in consultation with a supervisor, if the youth has the competency to enter into an agreement.

- If the youth is capable, then enter into an agreement with the youth.
- If the youth is not capable, then make application to the court for a guardianship order to provide intervention services to the youth.

Negotiating an Enhancement Agreement with a Youth

Review the assessment information with the youth to ensure accuracy and agreement with the information gathered.

The EAY must include a completed transition to independence plan, per s.57.2(3).

Entering into the agreement with the youth

In collaboration with the youth,

- choose an appropriate duration for the agreement, **up to the nine month** maximum,
- complete the Enhancement Agreement with Youth [CS1617],
- complete the Transition to Independence Plan [CS3476],
- have the youth sign a Consent to Release Information [CS0470] if the youth or family arranges or pays for a service, so that information may be obtained from the service provider, and
- explain the effect of the consent to the youth so it is understood by the youth, and inform the youth that their consent can be revoked at any time.

Involvement of other parties

- Make every effort to discuss the planning with the youth's guardian. If this is not possible or appropriate, consult with a supervisor. Record on Contact Notes [CS0072] and/or contact log, the reasons for not discussing the planning with the guardian.
- Provide the youth with the opportunity to consent to involve a Métis resource where appropriate.

Health Care

Ensure that a youth has health insurance. Determine if the youth has their Alberta Health Care card, or if it can be obtained from the guardian. If it cannot, contact Alberta Health Care to secure the number. If the youth is a registered Indian, it may also be possible to obtain the number from First Nations and Inuit Health Branch, Health Canada.

Financing

Under an EAY, the director may assume the following financial responsibilities, depending upon the needs of the youth and the negotiated terms of the agreement:

- rent,
- room and board,
- SIL placement fees, and
- basic maintenance (including groceries, clothing and personal incidentals).

Refer to the policy on daily living costs for more specific detail.

A parent who is able should assume some financial responsibility for the youth through child support or contributions in kind for the daily living costs of the youth. Consider the feasibility of negotiating a child support agreement with the parent of the youth.

Consent for Services

Under this agreement, the director **does not** have guardianship authority. If a service requires consent, obtain it from:

- the youth, if accepted by the service provider (e.g. hospital, school), or
- the guardian.

Under this agreement, it may be necessary to apply for an apprehension or temporary guardianship order if **all** of the following criteria are met:

- the service is necessary,
- the service provider will not accept the youth's consent,

- the guardian has not delegated the authority to consent, and
- the guardian will not consent.

If a youth requires essential medical, dental or remedial treatment and **does not** consent to treatment, consult with a supervisor about making application for a treatment order.

Emergency

If the youth's survival or well-being is in jeopardy, make every effort to contact and notify the guardian.

Document all contacts and efforts at contact on a Contact Note [CS0072] and/or the contact log, as appropriate.

Changing the Agreement

An enhancement agreement with a youth may be varied, extended, replaced, terminated or allowed to expire.

Varying an Agreement

When the terms of the existing enhancement agreement are not adequate to meet the intervention needs of the youth:

- Review the existing agreement and transition to independence plan with the youth.
- Determine if the circumstances have changed and there is a need to vary the terms of the agreement.
- If appropriate, negotiate a revised agreement and an updated transition to independence plan with the youth that reflects the current circumstances and needs of the youth, for a period of up to nine months.

Extending an Agreement

When the goals of the transition to independence will not be reached during the term of the existing agreement:

- Review the agreement and transition to independence plan with the youth. Ensure that the review supports extending the agreement and that the youth continues to require the same level of intervention.
- Ensure that approval is obtained from a supervisor or manager, as appropriate, to extend services.
- If appropriate, renegotiate the agreement and the transition to independence plan goals with the youth, for a period of up to nine months.

Replacing an Agreement

When it is determined that an enhancement agreement is no longer adequate to meet the youth's intervention needs:

- negotiate a custody agreement with youth, or
- negotiate a custody agreement with guardian, or
- apply for a guardianship order.

Terminating an Agreement or Allowing an Agreement to Expire

Either party may terminate the agreement at any time, or an agreement may be allowed to expire on the agreed upon end date. Complete the following steps:

- Review the terms of the agreement and the transition to independence plan with the youth.
- Establish that the youth is no longer in need of intervention.
- Provide the youth with information from the file related to:
    - family background, except for information that could be harmful or third party personal information,
    - developmental history and significant milestones,
    - school history with names of schools and for what grades, and
    - medical history with details of procedures, childhood diseases and immunizations.
- Provide the youth with any personal items, from the file, including any identification documents, report cards, pictures and baptismal certificates.
- Plan for the withdrawal of services with the youth, including referrals to community resources.
- Set an appropriate termination date, where applicable.
- Provide the youth with a written notice of termination and/or expiration date at least one month in advance.

Youth Involvement with the Criminal Justice System

- If a youth is committed to custody under YCJA, services are normally continued. Vary or terminate the agreement, in consultation with the youth and a supervisor, only to better meet the needs of the transition to independence plan.

Closure

All decisions to close a case **must** be made in consultation with a supervisor.

A case may be closed when it has been determined that the need for intervention no longer exists and:

- either party to the agreement wishes to cancel the agreement, or
- the agreement has expired.

Dispute Resolution

Best practice is to work collaboratively with the youth in order to resolve disputes or disagreements.

Several informal and formal dispute resolution mechanisms exist, which the youth can access at any time, including the advocacy and support services provided by the OCYA.

Recording

Record all contacts, consultations, decision and the rationale for decision on Contact Notes [CS0072] and/or the contact log as appropriate.

Ensure all electronic entries are up to date, including the start and end date of each agreement.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information

1.3.0 Office of the Child and Youth Advocate Overview

1.3.1 Mandatory Notifications

1.8 Children's Procedural Rights

3.2.3 Case Closure

4.2.0 Planning Tools Overview

4.2.4 Transition to Independence Plan

5.2.4 Custody Agreement with Youth

5.6 Child Support Agreements and Orders

7.1.2 Caseworker Contact

9.4.1 Daily Living Costs

9.4.2 Obtaining Funding to Maintain a Child in Care

Agreement to Pay Child Support to a Director [CS3679]
Child Maintenance Invoice [CS0011] – paper form only
Consent to Release Information [CS0470]
Contact Notes [CS0072]
Enhancement Agreement with Youth [CS1617]
Transition to Independence Plan [CS3476]

Children and Young People have Rights
Children Have Rights

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Section:	**5.2 Agreements**	Issue Date: October 1, 2011
Subsection:	**5.2.3 Custody Agreement with Guardian (CAG)**	Revision Date: October 1, 2011
		Page 1 of 7

Policy

The director may enter into a custody agreement with a guardian when:

- the child is in need of intervention per s.1(2), and
- the survival, security or development of the child cannot be adequately protected if the child remains with the child's guardian.

Other criteria to consider include:

- less intrusive measures cannot adequately protect the child,
- it is not in the best interests of the child to remain with the guardian,
- the parent is willing and able to participate in planning, and
- the child is not the subject of an FSCD agreement or the FSCD agreement will be terminated once the guardian enters into a CAG.

The director may sign a CAG for periods up to a maximum of **six months** at a time.

The director may sign any number of subsequent CAGs up to the total cumulative time in care per s.33. Refer to Cumulative Time in Care policy.

NOTE: Under a CAG, the level of guardianship authority delegated to the director by the parents is determined when the agreement is negotiated and is documented on Custody Agreement with Guardian [CS1642].

Under a CAG, a child is eligible for all services available to any child in care.

Purpose

The director may enter into a custody agreement with a guardian of a child for a period of not more than six months each, per s.9, when the director is of the opinion that a less intrusive measure will not adequately protect the child.

Procedures

Custody Agreement vs. Guardianship Order

The guardian retains guardianship of the child under this agreement. To determine whether an agreement or court order is most appropriate for a particular child, consider whether the less intrusive custody agreement will adequately protect the security, survival and development of the child. Make the determination of entering into a custody agreement in consultation with a supervisor.

Also consider the following:

- the ability and willingness of the guardian to participate in planning and to comply with the terms of the agreement,
- the views of a non-custodial guardian, if applicable,
- the nature of any neglect or abuse, and
- the value of placing evidence of serious neglect or abuse before a judge.

The situation may arise where an application has been made for a court order and the guardian indicates a desire to enter into an agreement.

- If the guardian has obtained legal representation, advise the guardian to consult with their lawyer before signing the agreement.
- If the guardian insists on signing the agreement without consulting their lawyer, the agreement may be accepted upon consultation with a supervisor. Document clearly that the guardian is entering the agreement voluntarily and without the benefit of their counsel.
- Withdraw the court application if the matter is resolved through the completion of a CAG.

Negotiating a CAG

Review the assessment information with the guardian to ensure accuracy and agreement with the information gathered.

Entering into the agreement

In collaboration with the guardian:

- choose an appropriate duration for the agreement, up to the six month maximum,
- complete the Custody Agreement with a Guardian [CS1642],
- complete the Concurrent Plan [CS3501],

- have the guardian sign a Consent to Release Information [CS0470] if the guardian arranges or pays for a service, so that information may be obtained from the service provider, and
- explain the effect of the consent to the guardian so it is understood and inform the guardian that their consent can be revoked at any time.

The CAG must include the following, per s.10:

- the plan for the care of the child, including the services to be provided (i.e. the concurrent plan),
- the terms of visits or access that will be provided between the child and the child's guardian or any other person, and
- the extent of the delegation of the authority of the guardian to the director (this is identified on the Custody Agreement with a Guardian [CS1642]).

Concurrent Plan

The concurrent plan must be completed at the time that the agreement is signed. The plan may be altered upon review to ensure that the services provided to the child and guardian are appropriate to meet the identified needs.

Access

Work collaboratively with the guardian to determine a reasonable schedule of access that enables the child to maintain contact with the guardian and individuals with whom the child has a significant, positive relationship.

Determine the frequency, location of visits, and if there is any need for supervision. Document this in the concurrent plan.

Alberta Health Care

Ensure that the child has health insurance. Obtain the Alberta Health Care number from the guardian. If the guardian does not have the number, contact Alberta Heath Care to obtain the number. If the child is a registered Indian, it may also be possible to obtain the number from the First Nations and Inuit Health Branch, Health Canada.

If the child does not have full dental and extended health care coverage from another source, issue a Treatment Services Card via the electronic information system. A child who is a registered Indian is not eligible for a Treatment Services Card.

Financing

Ensure that consideration is given to the feasibility of child support when negotiating the CAG. Complete a child support agreement or apply for a child support order as appropriate.

Apply for the special allowance on behalf of the child.

Consent for Services

Under this agreement, the director **does not** have guardianship. The guardian provides consent to the director to provide specific services and carry out identified responsibilities, as negotiated and indicated in the agreement.

Placement

Place the child in an approved placement resource that will meet the needs of the child.

Delegate to the caregiver only the authorities delegated to the director by the guardian.

Changing the Agreement

A custody agreement with a guardian may be varied, extended, replaced, terminated or allowed to expire.

Varying an Agreement

When the terms of the existing CAG are not adequate to meet the intervention needs of the child:

- Review the existing agreement and concurrent plan with the guardian.
- Negotiate a revised agreement and plan that reflect the current circumstances and needs of the child.

Extending an Agreement

When the goals of the concurrent plan will not be reached during the term of the existing agreement:

- Review the agreement, concurrent plan, and updated assessment information with the guardian. Ensure that the review supports extending the agreement and that the child continues to require the same level of intervention.
- Determine that the extension of the agreement will not exceed the nine month, or twelve month cumulative time in care for the child depending on their age.
- Ensure that approval is obtained from a supervisor or manager, as appropriate, to extend services.
- If appropriate, renegotiate the agreement and the concurrent plan with the guardian.

- If an agreement cannot be negotiated, and the level of intervention required to meet the child's needs remains the same, consult with a supervisor to determine the most appropriate intervention.

Replacing an Agreement

The level of intervention services required in order to meet the child's needs may change over the duration of the agreement.

- When it is determined that a custody agreement is no longer adequate to meet the child's intervention needs, apply for a guardianship order.
- When it is determined that a custody agreement is no longer necessary to protect the child, but intervention services are still necessary, negotiate an enhancement agreement with the guardian.

Terminating an Agreement or Allowing an Agreement to Expire

Either party may terminate the agreement at any time, or an agreement may be allowed to expire on the agreed upon end date.

- Review the terms of the agreement and the concurrent plan with the guardian.
- Establish that the child is no longer in need of intervention per s.1(2).
- Ensure that the guardian is given the following:
  - any items purchased specifically for the child by the placement provider when the child returns home, and
  - any personal items, including original identification documents, report cards, pictures or baptismal certificates.
- Plan for the withdrawal of services by consulting with the child and guardian about strategies to maintain changes, resources to provide ongoing supports and make community referrals as necessary.

NOTE: In the event that a guardian decides to terminate an agreement, review the situation with a supervisor to determine if the child continues to be in need of intervention or if further action is required.

Closure

All decisions to close a case **must** be made in consultation with a supervisor. A case may be closed in the following circumstances:

- when the director determines that the need for intervention no longer exists, or
- when either party to the agreement wishes to cancel the agreement, or
- at the expiry of the agreement.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the contact log, as appropriate.

Ensure that the ongoing assessment record is updated every six months as required.

Ensure all electronic entries are up to date, including the start and end date of each agreement.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information

2.1.3 Rights and Privileges of Status Indian Children

3.2 Case Movement

3.2.3 Case Closure

3.2.4 Leaving the Care and Custody of the Director

4.1 Assessment Tools

4.2.0 Planning Tools Overview

4.2.3 Concurrent Plan

5.1 Cumulative Time in Care

5.2.1 Family Enhancement Agreement with Guardian or Custodian

5.3.2 Supervision Orders

5.3.3 Temporary Guardianship Orders

5.3.4 Permanent Guardianship Orders

5.5 Court Procedures

5.6 Child Support Agreements and Orders

7.1.2 Caseworker Contact

7.3.1 Arranging a Placement

7.3.2 Placing a Child

7.3.3 Casework Responsibilities During Placement

9.1.3 Medical Care

9.4.2 Obtaining Funding to Maintain a Child in Care

Family Support for Children with Disabilities Act

Concurrent Plan [CS3501] – also available on the electronic information system

Consent to Release Information [CS0470]

Contact Notes [CS0072]

Custody Agreement with Guardian [CS1642]

Program Coordination Protocol Between Child Intervention Services and Family Support for Children with Disabilities Program

To report a broken link click here.

Section:	**5.2 Agreements**	Issue Date: October 1, 2011
Subsection:	**5.2.4 Custody Agreement with Youth (CAY)**	Revision Date: July 22, 2014
		Page 1 of 8

Policy

The director may enter into a custody agreement with a youth when:

- the youth is in need of intervention, and
- the survival, security and development of the youth can be adequately protected through the agreement.

Other criteria to consider include:

- a youth is living independently from their guardian,
- less intrusive measures cannot adequately protect the youth,
- it is not in the youth's best interests to return to the guardian,
- the guardian cannot or will not protect the youth, and
- the youth is not the subject of an FSCD agreement or the FSCD agreement will be terminated once the youth enters into a custody agreement.

The director may sign a CAY for periods up to a maximum of **six months** at a time.

The director may sign any number of subsequent CAYs for up to a maximum of **twelve months,** or until the youth's total cumulative time in care is reached per s.33. Refer to Cumulative Time in Care policy.

NOTE: Under a CAY, the director does not assume guardianship of the youth.

Under a CAY, a youth is eligible for all services available to any youth in care.

Purpose

The director may enter into a custody agreement with a youth for a period of not more than six months each, per s.57.2(2), when the director is of the opinion that the CAY will adequately protect the survival, security and development of the youth.

Procedures

Assessing Youth Competency to Enter into an Agreement

Prior to entering into any agreement with a youth, in consultation with a supervisor, assess the youth's competency to:

- make a rational and well-thought out decision to enter into an agreement,
- understand the consequences of entering or not entering into an agreement, and
- comply with the terms of the agreement.

Be cognizant of any potential barriers to the youth's ability to comply with the terms of the agreement.

- If it is determined that the youth is capable, then enter into an agreement with the youth.
- If it is determined that the youth is not capable, then make application to the court for a guardianship order to provide intervention services to the youth.

Negotiating a Custody Agreement with a Youth

Review the assessment information with the youth to ensure accuracy and agreement with the information gathered.

The CAY must include, per s.57.2(3):

- a schedule of the visits or other access to be provided between the youth and the youth's guardian or any other person, and
- a completed Transition to Independence Plan [CS3476].

Entering into the agreement with the youth

In collaboration with the youth, choose an appropriate duration for the agreement, up to the six month maximum per agreement, and:

- ensure that the duration of the agreement does not extend past either:
  - the twelve month maximum allowable time in temporary care under a custody agreement or

  - the maximum allowable cumulative time in care for the youth
- complete the Custody Agreement with Youth [CS1641],
- complete the Transition to Independence Plan [CS3476],
- have the youth sign a Consent to Release Information [CS0470] if the youth or family arranges or pays for a service, so that information may be obtained from the service provider, and
- explain the effect of the consent to the youth so it is understood by the youth, and inform the youth that their consent can be revoked at any time.

Involvement of other parties

- Make every effort to discuss the planning with the youth's guardian. If this is not possible or appropriate, consult with a supervisor. Record on Contact Notes [CS0072] the reasons for not discussing the planning with the guardian.
- Provide the youth with the opportunity to consent to involve a Métis resource where appropriate.

Health Care

Ensure that the youth has health insurance. Determine if the youth has their Alberta Health Care card, or if it can be obtained from the guardian. If it cannot, contact Alberta Health Care to secure the number. If the youth is a registered Indian, it may also be possible to obtain the number from First Nations and Inuit Health Branch, Health Canada.

If the youth does not have full dental and extended health care coverage from another source, issue a Treatment Services Card via the electronic information system. A youth who is a registered Indian is not eligible for a Treatment Services Card.

Financing

A parent who is able should assume some financial responsibility for the youth through child support or contributions in kind for the daily living costs of the youth. Consider the feasibility of negotiating a child support agreement with the parent of the youth.

Apply for the special allowance on behalf of the youth.

Consent for Services

Under this agreement, the director **does not** have guardianship. If a service requires consent, obtain it from:

- the youth, if accepted by the service provider (e.g. hospital, school), or

- the guardian.

If consent for service or treatment is required and the consent cannot be obtained, it may be necessary to apply for an apprehension or temporary guardianship order and a treatment order. The CAY must first be terminated in order to apprehend or make an application for an order.

To apprehend or apply for a court ordered guardianship or treatment order, ensure **all** of the following criteria are met:

- the service is necessary,
- the service provider will not accept the youth's consent,
- the guardian has not delegated the authority to consent, and
- the guardian will not consent.

Consult with a supervisor about terminating the CAY and making application for a treatment order.

Emergency

If the youth's survival or well-being is in jeopardy, make every effort to contact and notify the parent

Document all contacts and efforts at contact on a Contact Note [CS0072] and/or contact log, as appropriate.

Determining Placement for a Youth

Place the youth in an approved placement resource that will meet the needs of the youth.

Do **not** delegate any duties and powers to the placement provider, as the director has no guardianship authority. Engage the youth and placement provider in a face-to-face case conference to negotiate routines, rules and discipline.

Changing the Agreement

A custody agreement with a youth may be varied, extended, replaced, terminated or allowed to expire.

Varying an Agreement

When the terms of the existing custody agreement are not adequate to meet the intervention needs of the youth:

- Review the existing agreement and transition to independence plan with the youth.

- Determine if the circumstances have changed and if there is a need to vary the terms of the agreement.
- If appropriate, negotiate a revised agreement and an updated transition to independence plan with the youth that reflects the current circumstances and needs of the youth.

Extending an Agreement

When the goals of the transition to independence plan will not be reached during the term of the existing agreement:

- Review the agreement and transition to independence plan with the youth. Ensure that the review supports extending the agreement and that the youth continues to require the same level of intervention.
- Determine that the extension of the agreement will not exceed the twelve month maximum under a custody agreement or the maximum allowable cumulative time in care.
- Ensure that approval is obtained from a supervisor or manager, as appropriate, to extend services.
- If appropriate, renegotiate the agreement and the transition to independence plan goals with the youth.
- If an agreement cannot be negotiated, and the level of required intervention remains the same, consult with a supervisor to determine the most appropriate intervention.

Replacing an Agreement

The level of intervention services required in order to meet the youth's needs may change over the duration of the agreement.

- When it is determined that a custody agreement is no longer adequate to meet the youth's intervention needs, apply for a guardianship order, or
- When it is determined that a custody agreement with youth is no longer necessary to protect the youth, but intervention services are still necessary, negotiate an enhancement agreement with the youth.

If making application for a guardianship order, ensure that the youth has not reached their maximum cumulative time in care per s.33.

Terminating an Agreement or Allowing an Agreement to Expire

Either party may terminate the agreement at any time, or an agreement may be allowed to expire on the agreed upon end date. Complete the following steps:

- Review the terms of the agreement and the transition to independence plan with the youth.
- Establish that the youth is no longer in need of intervention.

- Provide the youth with information from the file related to:
  - family background, except for information that could be harmful or third party personal information,
  - developmental history and significant milestones,
  - school history with names of schools and for what grades, and
  - medical history with details of procedures, childhood diseases and immunizations.
- Provide the youth with any personal items, from the file, including any identification documents, report cards, pictures and baptismal certificates.
- Ensure that the youth is given any items purchased specifically for the youth by the placement provider.
- Plan for the withdrawal of services with the youth, including referrals to community resources.
- Set an appropriate termination date, where applicable.
- Provide the youth with a written notice of termination and/or expiration date at least one month in advance.

Youth Involvement with the Criminal Justice System

If a youth is committed to custody under YCJA, services are normally continued. Vary or terminate the agreement, in consultation with the youth and a supervisor, only to better meet the needs of the transition to independence plan.

Closure

All decisions to close a case **must** be made in consultation with a supervisor.

A case may be closed when it has been determined that the need for intervention no longer exists and:

- either party to the agreement wishes to cancel the agreement, or
- the agreement has expired.

Dispute Resolution

Best practice is to work collaboratively with the youth in order to resolve disputes or disagreements.

Several informal and formal dispute resolution mechanisms exist, which the youth can access at any time, including the advocacy and support services provided by the OCYA.

Recording

Record all contacts, consultations, decision and the rationale for decision on Contact Notes [CS0072] and/or the contact log as appropriate.

Ensure all electronic entries are up to date, including the start and end date of each agreement.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
1.3.0 Office of the Child and Youth Advocate Overview
1.3.1 Mandatory Notifications
1.8 Children's Procedural Rights
2.1.3 Rights and Privileges of Status Indian Children
3.2.3 Case Closure
3.2.4 Leaving the Care and Custody of the Director
4.2.0 Planning Tools Overview
4.2.4 Transition to Independence Plan
5.2.2 Enhancement Agreement with Youth
5.6 Child Support Agreements and Orders
7.1.2 Caseworker Contact
7.3.1 Arranging a Placement
7.3.2 Placing a Child
7.3.3 Casework Responsibilities During Placement
7.3.4 Placement Disruptions
9.1.3 Medical Care
9.4.2 Obtaining Funding to Maintain a Child in Care

Family Support for Children with Disabilities Act

Agreement to Pay Child Support to a Director [CS3679]
Consent to Release Information [CS0470]
Contact Notes [CS0072]

Custody Agreement with Youth [CS1641]
Transition to Independence Plan [CS3476]

Program Coordination Protocol Between Child Intervention Services and Family Support for Child with Disabilities Program

To report a broken link click here.

Section:	**5.2 Agreements**	Issue Date: October 1, 2011
Subsection:	**5.2.5 Permanent Guardianship Agreement (PGA)**	Revision Date: July 22, 2014 Page 1 of 4

Policy

All guardianship responsibilities that apply for a child under a PGO apply to a child under a PGA.

The adoption program generally has responsibility for children who have been relinquished to the director under a PGA. Occasionally, however, a child that is the subject of a PGA is not successfully placed into an adoptive placement immediately; if this occurs, the child is placed with an approved placement provider.

NOTE: It is important to obtain an adoption placement as quickly as possible. Ensure that any child under a PGA has been referred to the adoption program for potential matching.

Purpose

The director may enter a Permanent Guardianship Agreement [CS1618] with all guardians of the child, per s.11, if the following criteria are met:

- the child has been in the custody of at least one guardian for a cumulative period of less than six months,
- the guardian wants to relinquish guardianship of the child, **and**
- all guardians are capable and willing to enter the agreement.

A PGA makes the director the sole guardian until:

- a director or a court terminates the agreement,
- a private guardianship order is granted,
- a court makes an adoption order,
- the child attains 18 years of age, or
- the child marries.

Procedures

Once the criteria have been met, the director may enter a PGA at the safety, or intervention phase, and complete the required documentation.

Case management responsibilities may be assigned to a protection caseload if a child under PGA is not immediately placed in an adoption placement.

Ensure that the child receives all services for which any other child under permanent guardianship is eligible.

Termination of a Permanent Guardianship Agreement

A guardian who enters into a PGA, may, within 10 days after the date of the PGA, terminate the agreement by providing a request to the director. Upon receiving such a request, the director is required to notify any other guardian who is a party to the PGA, and return the child the guardian who requested the termination within 48 hours.

If the director is of the opinion that a termination requested by a guardian would result in the child being in need of intervention, the director may enter into an agreement or make application to the court for a protective services order.

A person claiming to be the parent of a child who is the subject of a PGA, may, within 10 days of the agreement, apply to the court for an order to terminate the agreement.

If such an application is made the court may, per s.13(5):

- declare the applicant to be a parent of the child,
- appoint the applicant as the guardian of the child, if:
  - the applicant is willing to assume the responsibilities of guardianship of the child, and
  - it is in the best interest of the child, or
- direct that the child be placed in the custody of any guardian of the child if:
  - the guardian is capable and willing to assume custody of the child, and
  - it is in the best interest of the child.

If the court makes an order under s.13(5):

- the guardianship of any person who was a guardian before the PGA was entered into is revived,
- the guardianship of the child by the director is terminated, and

- if a person is appointed as a guardian of the child, that person is an equal guardian of the child with any other guardian.

If the court appoints the applicant a guardian under s.12(5)(b) it may make a further order terminating the guardianship of any other guardian, if:

- the other guardian consents to the termination, or
- if the court considers it necessary and desirable to do so.
- An order made under s.13 does not come into effect until the director is served with a copy of the order.
- If the director is satisfied that the child under a PGA should be returned to the guardianship of the person who was the guardian before the agreement was made:
  - the director may apply for an order to terminate the PGA per s.35.
  - if the agreement is terminated by the court the person who was guardian prior to the PGA was made is the guardian of the child, unless otherwise ordered by the court.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or in the contact log, as appropriate.

Ensure all electronic entries are up to date.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
2.1.1 First Nations Designate
2.1.2 Registered Indian
3.1.3 Safety Phase
3.1.4 Intervention Services Phase
4.2.3 Concurrent Plan
4.2.4 Transition to Independence Plan
4.2.6 Permanency Planning
5.3.4 Permanent Guardianship Order
Enhancement Policy Manual – Adoption

Concurrent Plan [CS3501] – also available on the electronic information system
Contact Notes [CS0072]
Permanent Guardianship Agreement [CS1618]
Transition to Independence Plan [CS3476]

Section: **5.2 Agreements**	Issue Date: October 1, 2011
Subsection: **5.2.6 Support and Financial Assistance Agreement (SFAA)**	Revision Date: July 22, 2014
	Page 1 of 6

Policy

Services can be provided to young adults between 18 and 24 years per s.57.3 by entering a Support and Financial Assistance Agreement [CS2041].

The director may enter into an agreement if, in the opinion of the director, the support and financial assistance are not reasonably available to the young adult from other sources.

The agreement must be accompanied by a Transition to Independence Plan [CS3476] and can be entered into for periods of up to nine months.

Purpose

An SFAA is available to assist young adults, who were receiving intervention services on their 18th birthday, in achieving independence.

Procedures

Criteria

When considering an SFAA, determine that the supports and financial assistance are not reasonably available from other sources s.6(1) CYFEA Regulation and that:

- The young adult is under 24 years of age, and
- Prior to attaining the age of 18 years, the youth was subject to:
  - a permanent guardianship order,
  - a permanent guardianship agreement,
  - a temporary guardianship order,
  - a custody agreement with youth, or
  - an enhancement agreement with youth.

Services

S.6 of the regulation specifies the services that can be provided under an SFAA may include:

- living accommodation,
- financial assistance to meet the necessities of life, and
- any other services required to assist the young adult achieve independence.

The regulation further stipulates that the following services may **only** be accessed between the ages of 18 and 20 years:

- financial assistance related to training and education
- health benefits

Negotiating an Agreement

In negotiating an SFAA all components of the service must be negotiated as the relationship between the young adult and caseworker is adult to adult, rather than child to guardian.

Ensure that the young adult has the resources to honour the agreement and with support will have the finances for accommodation, clothing and incidental expenses.

Application directly from a legal authority

Three months before a youth receiving intervention services turns 18 years consider if:

- the youth meets the criteria for an SFAA, and
  - the goals of the current transition to independence plan will not be reached by the youth's 18th birthday, or
  - the youth is incapable of living independently, or
  - more needs to be done to build the youth's support network and future planning.
- Consult with a supervisor if the young adult does not wish to enter into an SFAA.

Provide the youth with an overview of the SFAA and other available services such as Advancing Futures Bursary.

Ensure the current assessment record describes:

- the youth's independence goals,
- the youth's informal support networks and strengths that contribute to the independence goals,
- what type of service or combination of services will help to establish the youth, such as:
    - accommodations,
    - health benefits,
    - support services to attain transition to independence plan goals, or
    - financial assistance for basic necessities.
- the results of exploring all resources and alternatives that could possibly provide the services that the youth needs,
- what supplementary services, unavailable elsewhere, are needed from intervention services, and
- how services provided by intervention services contribute to attaining the transition to independence plan goals.

Once the youth turns 18-years-old complete the support and financial assistance agreement with the youth, support team and in consultation with the supervisor. A transition to independence plan must be developed with the agreement.

If the young adult arranges to remain in the home of their former foster family the caseworker must negotiate the terms of a three-party agreement between the young adult, the former foster family and Human Services. If it is negotiated for the former foster parent to provide any service besides room and board:

- describe the service and rate in the agreement, and
- pay as for any other fee-for-service;.

Application following closure of case

If a young adult whose case closed upon their 18th birthday later requests support:

- Determine if the young adult is interested in entering an SFAA.
- Complete an Intake [CS1872] ensuring that the intake narrative addresses:
    - the steps taken to date to become independent,
    - the independence goals of the young adult,
    - current supports and services available, and

  - supports and services required to attain or maintain independence and are not available from another source.

- Review the most recent transition to independence plan and assessment record.

NOTE: Once the criteria have been met and an intake has been completed no further assessment is required. An SFAA can be entered and the case opened.

Transition to Independence Plan

Every support and financial assistance agreement must be accompanied by a transition to independence plan. The plan is used to identify current and future planning goals for the young adult and must be reviewed every three months.

In developing a transition to independence plan for a young adult with disabilities consider what specialized supports will be required to improve their ability to participate in daily activities at home, at school and in the community.

Denial of Support and Financial Assistance

A young adult denied anSFAA per s.57.3 has the right to request an administrative review per s.117.1. If the administrative review denies services the young adult has the right to appeal the decision per s.120(1)(d).

A young adult denied services under an SFAA also has the ability to self-refer to the Office of the Child and Youth Advocate for advocacy services.

Vary, Extend or Terminate the Agreement

An SFAA can be:

- varied through negotiation,
- extended to provide necessary supports,
- terminated following the decision of either party to cancel the agreement, or
- terminated by allowing the agreement to expire.

All decisions to vary, extend or terminate an agreement must occur in consultation with a supervisor.

To vary or extend an agreement:

- Determine that the circumstances have changed and there is a need to vary or extend the agreement.
- Review the existing agreement and transition to independence plan with the young adult.

- Ensure that approval is obtained from a supervisor or manager, as appropriate, to vary or extend services.
- Negotiate a revised agreement and plan that reflects the current circumstances and needs of the young adult.

To terminate an agreement:

- Termination may be considered if:
    - the young adult requests the termination,
    - support is no longer required, or
    - the young adult has persistently failed to comply with the terms of the agreement.
- Give written notice of termination 30 calendar days prior to date of termination.
- Review the terms of the agreement and plan with the young adult.
- Plan for the withdrawal of services by consulting with the young adult about strategies to maintain changes, resources to provide ongoing supports, and make appropriate community referrals.
- Provide the young adult with information from the file related to:
    - family background, except for information that could be harmful or third party personal information,
    - developmental history and significant milestones,
    - school history with names of schools and for what grades, and
    - medical history with details of procedures, childhood diseases and immunizations.
- Provide the young adult with any personal items, from the file, including any identification documents, report cards, pictures and baptismal certificates.
- Inform the young adult that a re-application is permitted at any time prior to their 24th birthday.
- Close the case.

Related Information

1.4.1 Administrative Reviews

1.4.2 Appeals to the Appeal Panel

3.1.2 Intake

3.2.3 Case Closure

4.2.4 Transition to Independence Plan

4.2.7 Transition Planning for Youth with Disabilities

9.4.6 Advancing Futures Bursary

Support and Financial Assistance Agreement [CS2041]

Transition to Independence Plan [CS3476]

Section:	**5.3 Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.1 Apprehensions**	Revision Date: October 1, 2011 Page 1 of 7

Policy

Apprehend a child **only** if:

- the child is in need of intervention per s.1(2),
- less intrusive measures cannot adequately protect the child, and
- remaining in the current situation will endanger the child's survival, security or development.

Approval from a supervisor **must** be obtained prior to making an application for an apprehension order or completing an emergency apprehension.

NOTE: A peace officer may also complete an emergency apprehension under s.19(12) or (14).

Purpose

Apprehending a child is an intrusive measure, used when less intrusive measures will not adequately protect a child, that sets in motion a series of events requiring both legal and casework attention. As a result, consider:

- Under which section of 1(2) is the apprehension to be executed?
- Will forced entry be necessary?
- Is a treatment order needed?
- Are secure services needed?
- How will the apprehension be executed? (e.g. is police assistance required?)
- Is the child an Indian child and, if so, residing on reserve?
- What actions to take after the apprehension?
- Whether an application for an Emergency Protection Order under PAFVA could alleviate the need to apprehend in situations where there is domestic violence or severe domestic disharmony?

Procedures

In consultation with the supervisor, determine under which section of 1(2) the apprehension will be executed.

NOTE: Apply to the court for an apprehension order in person where possible. This method is reflective of best practice. If it is impractical to appear in person in court, apply by telecommunication for an apprehension order. Be prepared to explain the circumstances that make attendance in person impractical.

If required, request police assistance in the execution of the apprehension order.

Record the consultation with, and approval of, the supervisor to apprehend on a Contact Note [CS0072] and/or the contact log.

Apprehension Orders

Application for Apprehension Order by way of personal appearance in court:

- Complete and file an Application for an Apprehension Order [CS1602].
- Make an ex parte application before a judge, or justice of the peace if no judge is available, under s.19(1). Service of the application is not necessary.
- If needed, request an order to enter by force under s.19(1)(b). Be prepared to provide the full address to the court.
- If an apprehension order is granted:
  - obtain a copy of the order from the court, and
  - execute the order as soon as possible.

Application for Apprehension Order by way of telecommunication:

- Assemble the information necessary per s.19(8) for an application for an apprehension order and the Facsimile of Apprehension Order [CS1636].
- Phone the court administrator in the nearest court and ask to make an application to a judge. (This application is made ex parte and service of the application is not required.) Courts are located in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer.
  - If the nearest court cannot provide a judge, phone the Edmonton or Calgary Courthouse and ask to make an application to a judge or, if not available, to a justice of the peace.
  - If it is outside of business hours (8:30 AM to 4:00 PM), phone 1-800-661-1907.

- Present to the judge or justice of the peace per s.19(8):
  - the circumstances, in the opinion of the director, that make it impractical to appear personally in court,
  - the identity of the child, if known,
  - the grounds for believing that the child is in need of intervention,
  - the grounds for believing that the child will be found in the place or premises to be searched,
  - a statement of any prior application for an order under s.19 for the same child, and
  - where a child has been removed from the custody of the director without the consent of the director, the authority under which the director has custody of the child and the grounds for believing that the child may be found in the place or premises,
- If needed, request an order to enter by force under s.19(1)(b). Be prepared to provide the full address to the court.
- If an apprehension order is granted:
  - complete a facsimile of apprehension order, and
  - execute the order as soon as possible.

Emergency Apprehensions

Criteria

In consultation with the supervisor, determine that the child meets the criteria for an emergency apprehension. s.19(12):

- The director has reasonable and probable grounds to believe that the child's life or health is seriously and imminently endangered because:
  - the child has been abandoned or lost,
  - the child has no guardian,
  - the guardian is unable to provide the necessities of life because the child has left the custody of the child's guardian without the guardian's consent, or
  - the child has been, or there is substantial risk that the child will be, physically injured or sexually abused.

If the child meets the emergency apprehension criteria or if a child was removed from the custody of the child's guardian without the guardian's consent and the emergency apprehension criteria are met, apprehend the child without an order per s.19(14).

Executing an Apprehension

Prior to executing an apprehension, develop a safety plan that provides for the safety of those involved in the apprehension, including the child, other persons who may be present and the caseworker.

- Execute the apprehension as soon as possible.

NOTE: Once an apprehension order is granted, it can be executed by any caseworker delegated under CYFEA within the province of Alberta.

- Advise those present with the child that the child is being apprehended under CYFEA and, where applicable, show the order/facsimile of the order when taking custody of the child.
- Complete the Notice of Apprehension [CS1629] to notify the guardian of the reasons for the apprehension and of any intention to confine the child at the time of, or immediately after, the apprehension. Provide the guardian with the number of the nearest Legal Aid Alberta office.
- If after reasonable effort the guardian cannot be informed in writing, notify the guardian orally of the reasons for the apprehension and any intention to confine the child. Provide them with the number of the nearest Legal Aid Alberta office.
- Place the order or facsimile and a copy of the notice of apprehension on the legal section of the child's file.
- Record the circumstances of the apprehension, how the guardian was notified and if the guardian was not notified, of the efforts made to notify the guardian, on a contact note and/or in the contact log.
- If the situation changes such that an apprehension is no longer warranted because of new information not presented to the judge or justice of the peace, do not execute the order. Review the situation with your supervisor to determine a course of action.

Forced Entry

If it is anticipated that the director will not be allowed access to the child:

- apply for an order to enter by force in court under s.19(1)(b) or by telecommunication under s.19(5) when applying for an apprehension order, or
- enter by force under s.19(13) without an order **only** when executing an emergency apprehension.

Request police assistance to enter by force.

Treatment

If the child requires essential medical, surgical, dental or other remedial treatment recommended by a physician or dentist before the custody hearing, refer to the Treatment Orders policy.

Secure Services

If an apprehended child requires secure services, refer to the Secure Services policies.

Indian Child

If there is reason to believe that a child is an Indian child and a member of a band, involve the First Nation Designate per s.107. Refer to First Nations Designate policy.

- If a child is living on a reserve and must be apprehended:
    - Be aware of any protocols negotiated between the reserve and your CFSA.
    - If access to the child is denied, obtain RCMP assistance.
    - If the RCMP apprehends the child under s.19(12) or (14), assume case responsibility as soon as possible.
- Contact the First Nation Designate on the day of apprehension if the child is ordinarily a resident on reserve.

Early Return

If the child may be safely returned to the guardian within **2 days of the apprehension**:

- Discuss the circumstances with a supervisor.
- Determine that the child's survival, security and development can be protected in the guardian's custody.
- If necessary, develop a safety plan with the guardian.
- Return the child to the guardian.
- Record on contact notes and/or in the contact log the consultation with the supervisor and the change in circumstance that made the child's return possible.
- No court application is required.

When calculating the number of days exclude the day of apprehension, weekends and holidays. Include the day the child is returned.

Application Following an Apprehension

After taking a child into the custody of the director under an apprehension, determine with the supervisor what action to take and which application(s) to make.

Per s.21(1), if a child is not returned within 2 days, the director must apply for:

- a supervision order,
- a temporary guardianship order and initial custody,
- a permanent guardianship order and initial custody, or
- an order to return.

NOTE: An application following an apprehension must be heard not more than 10 days after the child is apprehended per s.21(3).

Per s.21.1(5.1) the court may hear a motion for an adjournment of an application after an apprehension by videoconference if the court is satisfied that it is proper to do so.

To have a motion for an adjournment of an application after an apprehension heard via videoconference:

- Contact the clerk's office to arrange a time for the judge to hear the motion for an adjournment.
- Book a room where the caseworker can have the motion of adjournment heard. Present evidence supporting the motion for an adjournment.

Access

Attempt to reach an agreement with the guardian regarding access to the child during the period before the hearing.

Record the access agreed to on contact notes and/or in the contact log.

Recording

Complete all electronic record entries.

Record all contacts, consultations and rational on contact notes and/or in the contact log.

Related Information

2.1.1 First Nations Designate
5.3.2 Supervision Orders
5.3.3 Temporary Guardianship Orders
5.3.4 Permanent Guardianship Orders
5.3.6 Treatment Orders
5.3.7 Custody Orders
5.4.0 Secure Services Overview
5.4.1 Accessing Secure Services via a Secure Services Order
5.4.2 Accessing Secure Services via a Secure Services Certificate
5.4.3 Secure Services Placement Procedures
6.2 Protection Against Family Violence Act
7.3.0 Placement Overview
7.3.1 Arranging a Placement
7.3.2 Placing a Child

Application for an Apprehension Order [CS1602]
Contact Notes [CS0072]
Facsimile of Apprehension Order [CS1636]
Notice of Apprehension [CS1629]

Checklist for Court Documents

To report a broken link click here.

Section:	**5.3 Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.2 Supervision Orders**	Revision Date: October 1, 2011
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Policy

Apply for a supervision order when it has been determined that:

- the child is in need of intervention per s.1(2), and
- mandatory supervision of the child, and persons living with the child is necessary to adequately protect the survival, security or development of the child, and
- it is reasonable to believe that the child's survival, security and development will be adequately protected with the supervision.

Apply for a supervision order:

- directly, per s.16(1),
- following an apprehension, per s.21(1)(a), or
- on the review of a current supervision or guardianship order per s.32(1).

Purpose

A supervision order is used when the assessment indicates that the child is in need of intervention and:

- family enhancement will not ensure the safety and well-being of the child,
- the child can safely remain in, or return to, the home, and
- supervision and the provision of services in the home will meet the needs of the child.

Procedures

- Make all decisions relating to a supervision order in consultation with a supervisor.

- Determine that the child meets the criteria for a supervision order.
    - Involve the First Nations designate per s.107, as appropriate.
- Consult with a Métis resource if consent has been obtained from the guardian.
- Follow the procedures for preparing a court application as outlined in the Preparing for Court policy and the Checklist for Court Documents.

Making a Court Application

Follow the procedures for preparing for a court order as outlined in the Preparing for Court policy, and:

- Schedule a hearing:
    - within 10 days after an apprehension,
    - within 30 days of filing the notice for:
        - a direct application, or
        - a review of a previous order.
- Complete, file and serve; Notice and Application for Supervision Order [CS1594].
- Serve notices at least two days before the date of the hearing.
- Make every effort to reach an agreement on the terms of the order with the child, guardian and others involved with the family prior to the court hearing. If possible, obtain signed consents to the order and terms, using:
    - Consent by a Guardian [CS1613] or
    - Consent by a Child 12 Years of Age or Older [CS1612].
- The application must address the recommended terms of the proposed supervision order per s.16(2) that include:
    - the frequency of visits to the family home by the caseworker to supervise the child and persons residing with the child,
    - any assessment or treatment for the child or other persons residing with the child, and
    - any other terms that may be necessary.
- Prepare a Supervision Order Plan [CS3801] for presentation to the court that includes:
    - the goals, tasks and signs of achievement,
    - the proposed frequency of visits (at least one per month) by the caseworker at the child's residence,

    - the treatment, services or supports required for the child or any other person residing in the home, and
    - a clear description of the responsibilities of all the parties to the supervision order plan.

Adjournments

In the event of an adjournment, the court must make an interim order in relation to access to or custody of the child for the period of the adjournment, per s.26(2).

Provision of Services

Follow the policy and procedures for providing services to a child, guardian, or any person residing in the home, receiving intervention services, as described in Purchased Services policy.

In addition:

- provide all services as per the terms of the supervision order, and
- have at least one contact per month, with the child in the residence of the child, or more often as per the terms of the supervision order.

Review of a Supervision Order

A change in circumstances during the term of the order may require renewal, variation or termination of the order.

- Per s.32(1) an application for a review can be made, after the appeal period has expired:
    - by a director, at any time during the term of the order, or
    - by a guardian, or child 12 years of age or older, once during the term of the order.

A caseworker must apply for a review of a supervision order when:

- the caseworker is not able to comply with a term of the order,
- the caseworker believes that the child, guardian or any other person residing in the home, subject to the order, is not complying with the terms of the order, or
- the terms of the order are not adequate to protect the child, or the supervision order plan goals will not be reached during the term of the existing order and further time is required.

Upon hearing a review s.32(2) the court may consider any matter it thinks is relevant and must consider:

- whether the circumstances that caused a child to be in need of intervention have changed,
- the services that have been provided to the child, or the family of the child, and
- whether the guardian, other than the director, has complied with the terms of the order.

To review a supervision order:

- Follow the procedures for preparing for a court hearing and refer to s.32(1).
- Discuss the application for review with the child, guardian and any other person residing in the home that is subject to the order, making every effort to come to agreement regarding the new terms and the recommendations that will be made to the court.
- Provide a recommendation to the court per s.32.

Breach of a Supervision Order

S.29 enables a director to apply to the court for a review of the order if it is believed that the guardian or other person residing with the child has failed to comply with a term of a supervision order. The court may, without hearing any further evidence as to the child's need for intervention:

- renew, vary or extend the supervision order, or
- make a temporary guardianship order or a permanent guardianship order.

To bring an application for a review of a supervision order:

- follow the procedures for preparing for a court hearing, and
- provide a recommendation to the court per s.29.

Termination or Expiration of an Order and Case Closure

An order can be terminated by the court following a review, as described above, or allowed to expire. When an order is allowed to expire:

- ensure that the circumstances of the child have changed so there is no need for further mandatory supervision, and the child is no longer in need of intervention, and
- allow the order to expire.

When an order is terminated by the court or allowed to expire by a director and the file is being closed, notify the guardian and child, and refer to the Case Closure policy.

Recording

Record all contacts, information gathered and services provided to the child and family on Contact Notes [CS0072] and/or the contact log.

Caseworkers, supervisors and managers must ensure that all points of consultation, decisions and rationale for decisions are documented on contact notes and/or the contact log.

Update all electronic information system entries.

Related Information

2.1.1 First Nations Designate
2.2.1 Métis Resource
3.1.3 Safety Phase
3.1.4 Intervention Services Phase
3.2.3 Case Closure
5.5 Court Procedures
9.5.3 Referral and Evaluation of Services

Consent by a Child 12 Years of Age or Older [CS1612]
Consent by a Guardian [CS1613]
Contact Notes [CS0072]
Notice and Application for a Supervision Order [CS1594]
Supervision Order Plan [CS3801]

Checklist for Court Documents

To report a broken link click here.

Section:	**5.3 Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.3 Temporary Guardianship Orders**	Revision Date: October 1, 2011
		Page 1 of 7

Policy

Apply for a temporary guardianship order when it has been determined that:

- the child is in need of intervention per s.1(2),
- the security, survival and development of the child cannot be adequately protected if the child remains in the home,
- the child can be expected to return to the guardian or become independent (if 16 years or older) within a reasonable time, and
- the cumulative time in care has not reached nine months for a child under six years of age or 12 months for a child six years of age or older. Refer to Cumulative Time in Care.

Apply for a temporary guardianship order:

- directly(not following an apprehension or a review of an existing status) per s.17,
- following an apprehension per s.21(1)b, or
- on the review of a current supervision or temporary order per s.32(1).

Purpose

A temporary guardianship order is a court ordered means of providing protective services to the child and family when it is determined that less intrusive measures cannot adequately protect the child and removal of the child from the home is necessary.

Under a temporary guardianship order, the director becomes a joint guardian with any other guardian per s.31(2). The director may exercise all the authority of a guardian, to the exclusion of the other guardian, with the exception of matters relating to Part 2, Division 1 of CYFEA (Adoptions).

Procedures

Make all decisions relating to a temporary guardianship order in consultation with a supervisor.

- Determine that the child meets the criteria for temporary guardianship order; such as:
  - the child has not exceeded the maximum cumulative time in care,
  - the child can be expected to return home within a reasonable time, or
  - the child (16 years of age or older) will become independent within a reasonable time.
- Involve the First Nations designate per s.107.
- Consult with a Métis resource if consent has been obtained from the guardian.
- Follow the procedures for preparing a court application as outlined in the Preparing for Court policy and the Checklist for Court Documents.

Cumulative Time for Temporary Guardianship Orders

- Per s.33(1)(2) the court can grant temporary guardianship orders during which the child's cumulative time in care shall not exceed:
  - 9 months if the child is under the age of 6 years, or
  - 12 months if the child is 6 years of age or older.
- The term of the order cannot result in the child's time in care exceeding the maximum cumulative time in care.
- Per s.33(3) the court may grant *one* additional temporary guardianship order for a period of not more than six months if it is satisfied that:
  - there are good and sufficient reasons to do so, and
  - it can be anticipated that the child can return home during the term of the order.

Making a Court Application

Follow the procedures outlined in the Court Procedures policy, and:

- Schedule a hearing:
  - within 10 days after an apprehension,
  - within 30 days of filing the notice for:
    - a direct application, per s.17, or

    - a review of a previous order, per s.32.

- Complete, file and serve the following notices when making an application following an apprehension:
    - Notice and Application for a Temporary Guardianship Order and Terms [CS1595], and
    - Notice and Application for a Custody Order [CS3613]
- Complete, file and serve the following notice when making a direct application under s.17:
    - Notice and Application for a Temporary Guardianship Order and Terms [CS1595]
- Complete, file and serve the following notices when making an application to review an existing order:
    - Notice and Application for a Review [CS1597]; and
    - Notice and Application for a Custody Order [CS3613] if interim custody of the child is required.
- Service for an application for a court hearing must be completed:
    - at least two days before the hearing date following an apprehension per s.23(3.1), or
    - at least five days before the hearing date for other applications.

Terms of an Order

- Make every effort to reach an agreement on the terms of the order with the guardian of the child, the child if the child is 12 years of age or older or any other person with whom the child has a significant relationship.
- If the child is 12 years or older, and the agreement is with someone other than the guardian, the child must sign the agreement. Complete and file the following, as applicable:
    - Consent by a Guardian [CS1613] and/or
    - Consent by a Child 12 Years of Age or Older [CS1612].
- During the period of a temporary guardianship order, following the appeal period, the director may enter into an agreement with the guardian or other significant person regarding access, consultation, or other terms agreed to, by completing Access or Consultation Agreement [CS1619].
- The director, child 12 years or older, guardian, or person with a significant relationship with the child may during the period of the order, make a court application to address terms, if they can not be resolved by agreement or if terms are not being complied with, by completing Notice and Application of Terms of a Temporary Guardianship Order [CS1596].

- Per s.31(1) terms of a TGO should address:
  - access to be provided between the child and the guardian or other significant person,
  - the conditions under which the director must consult with the guardian on matters affecting the child,
  - participation by the child or guardian, or both, in treatment or remedial programs, if recommended by a director, or
  - any other terms the Court may consider necessary.

Child Maintenance

- Make every effort to reach an agreement on child maintenance with the guardian and complete and file, as applicable:
  - Agreement to Pay Child Support to a Director [CS3679].
- If an application for child maintenance is made, complete file and serve:
  - Notice and Application for a Child Support Order [CS4029].

Evidence

- Evidence at the hearing to support the application for interim custody must address information to support the application for:
  - an interim custody order,
    - granting custody to a director pending the disposition of the temporary guardianship application, or
    - an order returning the child to the custody of the guardian pending the disposition of the temporary guardianship application per s.21.1(2).
- Evidence at the hearing to support a temporary guardianship application must address:
  - the recommended period of temporary guardianship,
  - assessment information related to the child, guardian and their living environment,
  - the intended outcomes of the intervention,
  - the proposed frequency of visits by the caseworker with the child and guardian,
  - the treatment or services required for the child and guardian,
  - information to support the recommended terms of access between the child and the guardian, or other significant persons per s.21.1(3)(a),

  - information to support any recommended order for an assessment of the child, guardians, or other person who the child may be in the custody of, per s.21.1(3)(b), and
  - information to support a maintenance application for which an agreement was not reached per s.57.5.

Adjournments

- S.21.1(4) enables a court to adjourn an application for initial custody for a period of up to 14 days at a time, unless the parties agree to a longer period; however the total period of adjournment can not exceed 42 days.
- S.26(1) allows the court to adjourn an application for temporary guardianship order for a period longer than 42 days, at its discretion, however this does not apply to the application for initial custody, per s.21.1, which cannot be adjourned beyond a maximum of 42 days.
- S.21.1(5) requires the court to make an interim order providing for the custody of the child and may include terms respecting access to the child.
- S.21.1(5.1) enables the court to hear a motion for adjournment by videoconference, if it is satisfied that it is proper to do so.

NOTE: Ensure that the correct expiry date of an order is documented; e.g. the expiry date for a six moth order granted on June 3 is December 2, not December 3.

Review of a Temporary Guardianship Order

- The director, guardian, or child over 12 years may apply to vary, renew, or terminate an order under s.32(1), by completing Notice of a Review [CS1597].
- A director may apply to have a temporary guardianship order reviewed at any time during the period of the order.
- A guardian, or child over 12 years, may apply for a review once during the period of a temporary guardianship order, after the 30 day appeal period has expired.
- If a child expresses a desire to have their order reviewed, advise the child about their right to also involve a Child & Youth Advocate.
- When making a decision whether to terminate an order or allow it to expire, consider the time remaining on the order and consult with a supervisor.

To review an order follow the procedures for making an application to the court, and:

- Apply to review an order to **vary** the order when:
  - the terms of the original order cannot be met,
  - the child or guardian requests a review, or
  - other circumstances occur to support a review.
- Apply to review an order to **renew** the order when:
  - a further period of temporary guardianship is required to achieve the intervention outcome for the child,
  - the child can be expected to return home or become independent within a reasonable period of time, and
  - the cumulative time in care will not exceed the legislated timelines per s.33.
- Apply to review an order to **terminate** the order when:
  - it is determined that the child can safely return to the care of the guardian, or live independently,
  - or, if further services are required through a different legal status, obtain the appropriate legal authority to continue to provide services,
  - or, if no further services are required, follow procedures for closing a case.

Case Management

- Provide the services available to any child in care as described in policy.
- Monitor the compliance with terms of any order or agreement.
- Maintain contact with the child as directed in policy.

Recording

- Complete documentation as described in Court Procedures policy, Checklist for Court Documents and other relevant policies.
- Caseworkers, supervisors and managers must ensure that all points of consultation dates, decisions and rationale for decisions are documented.
- Record all contacts, information gathered and services provided to the child and family on a Contact Note [CS0072] and/or in the contact log.
- Complete entries in the electronic information system.

Related Information

2.1.1 First Nations Designate
2.2.1 Métis Resource
3.2.4 Leaving the Care and Custody of a Director
5.1 Cumulative Time in Care
5.5 Court Procedures
5.6 Child Support Agreements and Orders
7.3.2 Placing a Child
7.3.3 Casework Responsibilities During Placement
7.3.4 Placement Disruptions
9. Services for Children
9.1 Medical
9.4.2 Obtaining Funding to Maintain a Child in Care

Access or Consultation Agreement [CS1619]
Agreement to Pay Child Support to a Director [CS3679]
Consent by a Child 12 Years of Age or Older [CS1612]
Consent by a Guardian [CS1613]
Contact Note [CS0072]
Notice and Application for a Child Support Order [CS4029]
Notice and Application for a Custody Order [CS3613]
Notice and Application for a Review [CS1597]
Notice and Application for a Temporary Guardianship Order and Terms [CS1595]
Notice and Application for Terms of a Temporary Guardianship Agreement [CS1596]

Checklist for Court Documents

Section:	**5.3. Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.4 Permanent Guardianship Orders**	Revision Date: July 22, 2014
		Page 1 of 8

Policy

Apply for a permanent guardianship order (PGO) when it has been determined that:

- the child is in need of intervention per s.1(2), or the subject of a temporary guardianship order,
- the security, survival and development of the child can not be adequately be protected if the child remains, or is returned to the guardian, and
- the child cannot be expected to safely return to the custody of the guardian within a reasonable time.

Apply for an order:

- directly, per s.18,
- following an apprehension per s.21(1)(b),
- on the review of a current supervision or temporary guardianship order, or
- when a child's cumulative time in care is about to be exhausted and the child can not be returned to the guardian.

Only a director, not a guardian, can apply for a PGO.

Purpose

Permanent guardianship provides the director with full guardianship responsibilities for the child. This includes the responsibility to provide for all of the child's needs normally provided by a guardian and providing a permanent placement for the child.

Under a PGO order, the director becomes the sole guardian of the child and the Public Trustee is the sole trustee of the child's estate.

Procedures

Obtaining Permission to Proceed for a PGO

In consultation with the supervisor ensure that the criteria for a permanent guardianship order are met, and

- review and analyse all case information to determine that permanent guardianship is the best option for the child,
- consult with the child, as appropriate, to understand the child's wishes,
- consult with the manager, and
- complete a Consent by a Director or Authorized Delegate [CS2047], for the manager's review.

The manager is responsible to ensure:

- that a diligent effort has been made to make the child's return home possible,
- that the child is unlikely to return home within a reasonable time,
- that involvement with a First Nations designate, per s.107 has taken place,
- that consultation with a Métis resource has taken place, with the consent of the guardian, and
- that a clear permanency plan is in place.

The manager shall:

- provide a written decision within 10 working days of receiving the request by completing, Consent by a Director or Authorized Delegate [CS2047].

Prior to a Hearing

- Explain to the guardian the reasons for the application and the finality of a permanent guardianship order.
- Keeping the best interests of the child and their permanency paramount, make every effort to reach agreement on access with the child, the family and other involved persons.
- Consider the impact of access on the adoptability of the child.
- Consider the importance of continuing existing relationships to the child.
- Advise the child and guardian that, per s.34(8), a director, a former guardian of the child, the child 12 years of age or older, or any person with a significant relationship with the child, may apply to the court for an order prescribing access between the child and the former guardian or person

with a significant relationship by completing; Notice and Application for Access under a Permanent Guardianship Order [CS1600].

- Ensure that the service plan includes the permanent placement objectives and prepare to present the plan to the court.
- Discuss contribution towards maintenance of the child with the parent and complete, if applicable, Agreement to Pay Child Support to a Director [CS3679].
- If the child is believed to be an Indian and a member of a band, involve the First Nation designate per s.107.
- If the child is Métis, consult with the Métis resource if consent has been obtained from the guardian.

Making a Court Application

Follow the procedures in the Court Procedures policy, and:

- Schedule a hearing:
  - within 10 days, if the application is following an apprehension,
  - within 30 days of filing the notice for:
    - a direct application, or
    - a review of a previous order.
- Complete file and serve, as applicable:
  - Notice and Application for a Review [CS1597] if the child is under an existing TGO or SO, or
  - Notice and Application for a Permanent Guardianship Order [CS1598] if the child is not under an existing order.
- Serve notices at least two days before the date of the hearing.
- Whenever possible, complete an Access or Consultation Agreement [CS1619], that sets out the access between the child, and the parent or any other person with whom the child has a significant relationship.
- If the matter cannot be resolved by agreement or if the terms of an agreement have not been complied with, complete, file and serve Notice and Application for Access under a Permanent Guardianship Order [CS1600]. The application for access can be made at the same time as the PGO application.
- Per s.34(9), the consent of a child 12 years of age or older is required before an access order can be made.
- Obtain, as applicable, the following:
  - Consent by a Child 12 Years of Age or Older [CS1612],

  - Consent by a Guardian [CS1613], and
  - Access or Consultation Agreement [CS1619].
- Make every effort to reach an agreement on maintenance for the child and complete, as applicable:
  - Agreement to Pay Child Support to a Director [CS3679]
- Provide evidence at the hearing and include :
  - information that ensures the legal criteria for a PGO are met per s.34(1),
  - address cumulative time in care, and if required, a plan of care for the child, and
  - information to support other applications such as an access application or a maintenance application.

Following the Hearing if a PGO is granted:

- Inform the care giver and all service providers.
- Advise all parties to any access order made, that a review may be requested at any time under s.34(13).
- If the child is Indian and a member of a band, provide a copy of the order to the band designate within 20 days of the order being granted per s.107(3).
- If requested, send a copy of the order to the Public Trustee.
- If appropriate, prepare the case for transfer.

Terms of an Order

Per s.34(8) the court may make an order prescribing access between the child and a former guardian or other person.

Per s.34(10) the director may enter into an agreement providing for access between the child and a former guardian or other person.

- Monitor any terms of access to ensure compliance.
- If the terms of an existing order are inadequate, complete, file and serve Notice and Application for a Review [CS1597] and present the matter to the court.
- The court may vary access terms only if:
  - the child consents, if the child is 12 years of age or older; and
  - the court is satisfied that the access terms will not interfere with the adoption of the child.

Duration of an Order

Per s.40(2), a permanent guardianship order remains in effect until whichever occurs first:

- the order is terminated by the court,
- a private guardianship order is made,
- an adoption order is made,
- the child turns 18, or
- the child marries.

Case Management

- Provide the following as directed in policy:
  - services available to any child in care,
  - contact with the child, and
  - case planning.
- Provide information to the child as follows:
  - Provide background information to the child on an ongoing basis and as appropriate.
  - Determine what information to provide by considering the best interest and the child's desire to have information.
  - If uncertain about sensitive information, consult with the supervisor about releasing it.

Terminating a Permanent Guardianship Order or Agreement

S.35(1) allows the director to apply to have a PGO or PGA terminated. To proceed with this application, the director must be satisfied that the child should be returned to the guardianship of the person who was the guardian prior to the permanent guardianship agreement or order.

When permanent guardianship is terminated, guardianship reverts to the person who was guardian prior to permanent guardianship, unless the court orders otherwise.

- When considering an application to terminate permanent guardianship, review the following:
  - assess the stability and suitability of the former guardian's circumstances
  - consider the child's opinion
  - consider how long the child has been in care

  - consider how involved the former guardian has been during the time in care
  - assess the stability and relationships of the current placement
  - consider the opinions of the care giver
  - consider what services will be needed if guardianship is not terminated
  - consult with the supervisor
- Consult with the manager and provide the recommendation and reasons for termination:
  - within 30 days of receiving a request for termination, or
  - upon deciding to initiate an application for termination.
- The manager shall provide a written decision by completing Consent by a Director or Authorized Delegate [CS2047].
- If the manager provides consent for an application to terminate, complete file and serve:
  - Notice and Application to Terminate a Permanent Guardianship Order or Agreement [CS3614], to terminate a permanent guardianship order or agreement, or
  - Notice and Application for a Review [CS1597], to terminate a permanent guardianship order.
- If there is also a joint guardianship order in place:
  - Complete file and serve Notice and Application for a Review [CS1597], to terminate the permanent guardianship and joint guardianship orders.
  - In the notice, insert "Permanent Guardianship and Joint Guardianship" in the space indicated for the type of order.
  - After the first sentence in the "Application" section, add "I am also applying to terminate the joint guardianship order that was granted on (date)".
- Present the case in court following the procedures for all court hearings and be prepared to justify the application to terminate the order.

If the permanent guardianship is terminated:

- Notify the guardian and any care providers.
- Cancel any benefit being received on behalf of the child.
- Advise the guardian to register for Alberta Health Care and apply for the Canada Child Tax Benefit.
- Follow procedures in policy for a child leaving care.

- Review the file to determine if the child was eligible for and received the Alberta Resource Rebate cheque.
- Review the file to determine if a Registered Education Savings Plan was established for the child in order to receive the Alberta Centennial Education Savings grant and other educational incentives.

Cessation of an Order

Once permanent guardianship ends at a youths' 18th birthday:

- Notify the youth, the school and the care provider.
- Work with the young adult in signing an SFAA. Advise the young adult that a Support and Financial Assistance Agreement [CS2041] may be entered into at any point up until their 24th birthday if they do not sign an SFAA at their 18th birthday.
- Cancel any benefit being received on behalf of the child.
- Advise the youth to obtain Alberta Health Care coverage.
- If the file is closing, notify the youth and any involved First Nation.
- Follow the procedures in policy for a child leaving care.

Related Information

2.1.1 First Nations Designate

2.2.1 Métis Resource

3.2.4 Leaving the Care and Custody of the Director

4.2.4 Transition to Independence Plan

5.2.6 Support and Financial Assistance Agreement

5.5 Court Procedures

7.1.2 Caseworker Contact

7.3.2 Placing a Child

7.3.3 Caseworker Responsibility During Placement

9. Services for Children

9.1 Medical

9.4 Financial

9.4.2 Obtaining Funding to Maintain a Child in Care

Access or Consultation Agreement [CS1619]

Agreement to Pay Child Support to a Director [CS3679]

Consent by a Child 12 Years of Age or Older [CS1612]

Consent by a Director or Authorized Delegate [CS2047]

Consent by a Guardian [CS1613]

Notice and Application for Access under a Permanent Guardianship Order [CS1600]

Notice and Application for a Permanent Guardianship Order and Access Order [CS1598]

Notice and Application for a Review [CS1597]

Notice and Application for Terms of a Temporary Guardianship Agreement [CS1596]

Notice and Application by a Director to Terminate a Permanent Guardianship Agreement [CS3614]

Support and Financial Assistance Agreement [CS2041]

Checklist for Court Documents

To report a broken link click here.

Section:	**5.3 Orders**	Issue Date: January 1, 2014
Subsection:	**5.3.5 Review of a Permanent Guardianship Order by a Former Guardian**	Revision Date:
		Page 1 of 4

Policy

An applicant(s) who was a guardian immediately prior to the current permanent guardianship order may make an application to review the permanent guardianship order.

Note: An application can be made when:

The permanent guardianship order continues to remain in place (no adoption or private guardianship order in regards to the child(ren) has been granted) and one of the following:

More than one year has elapsed since the 30 day period for appealing the permanent guardianship order expired;

If the permanent guardianship order was appealed within the initial 30 days, more than one year has elapsed since the appeal was disposed of; or

More than two years has elapsed since the last application by the former guardian under this section was disposed of.

Purpose

S.35.1(1) allows a former guardian of a child(ren) to bring forward an application to review the permanent guardianship order. The former guardian, in order to demonstrate that their circumstances have changed, is able to present evidence to the court to support their view that they are capable of assuming guardianship and custody of their child(ren).

Procedure

Application

Provide the former guardian the following to assist in the completion of the application:

- Information to the applicant(s) on contacting legal aid or other services that might be required
- A copy of the PGO to the applicant(s)
- Verify former guardians of the child(ren) to confirm who will need to be served by the applicant(s)

Service

Upon being served with a Notice and Application by a Former Guardian to Terminate a Permanent Guardianship Order [CS0025]:

- Consult with a supervisor
- Consult with legal counsel
- Adjourn all scheduled applications regarding permanency for the child(ren) (adoption or private guardianship applications) until the PGO Review is heard and disposed of by the court

Note: If permanency has been achieved through adoption or private guardianship, refer the applicant to seek legal advice and provide information about the post adoption registry, if appropriate

- Make a referral to the OCYA for the child(ren) for legal representation and to assist in ensuring that the child(ren)'s rights, interests, and views are represented

Advise those who may have a role with the child(ren), that an application has been made. This may include:

- Band designate or Metis Resource
- The offices of the Public Guardian and the Public Trustee
- Current caregiver/prospective adoptive parents for the child(ren)

The former guardian making application for the review is responsible for service, including all other former guardians of the child(ren) and the child(ren) 12 years-of-age and older

- If there is no access to the child(ren) the caseworker may be requested to serve the child(ren) on behalf of the applicant(s)
- Any substitutional service of the child(ren) requires a completed Affidavit of Service to be filed with the court

Note: Service of the child(ren) by a caseworker must occur in a public place (i.e. the local service delivery office).

The child(ren)'s current placement address may not be known to the applicant and the address of service is included in the Affidavit of Service

Assessment

An assessment of the applicant will be required by a caseworker

- Gather information about the applicants current circumstances and ability to care for the child(ren). Considerations to include:
  - Changes in the circumstances present at the time the PGO was granted
  - The stability of their relationships and housing
  - Ability to provide for and support the child(ren)
  - Supports currently accessed and available in the community
- Provide information to the applicant(s) regarding the child(ren)'s current functioning, health and any specific exceptional needs including the level of care required/being provided to assist in determining the applicants ability to care for the child(ren)
- Document the assessment on contact notes and include the assessment in an ongoing assessment record

Note: The court may order a Home Study to be completed

Meet with the applicant(s) to advise them of the director's position and rationale prior to the court date.

Prior to the court date, for any child(ren) capable of expressing a view, ensure the child(ren) has been provided with information regarding the applicant's current circumstances and ability to care for the child(ren) and ascertain the child(ren)'s view on the application. Provide this information to the applicant and the court.

Attending Court

Prepare evidence for the court to address the director's position and the best interests of the child(ren) based on the child(ren)'s identified needs, the child(ren)'s views if they are able to express a view, and the capacity of the applicant(s) to meet their needs

- If the director is in agreement of the child(ren) returning to the former guardian under a Supervision Order, the prepared evidence should include proposed terms for the Supervision Order

Upon hearing the application the court may:

- Dismiss the application; the PGO remains in effect;
- Grant the application; terminate the PGO without any further order from the court and appoint the applicant as the guardian of the child; or
- Grant the application; terminate the PGO and appoint the applicant as the guardian of the child and grant a Supervision Order

If the permanent guardianship is terminated:

- Notify any care providers
- Cancel any benefit being received on behalf of the child
- Advise the guardian to register for Alberta Health Care and apply for the Canada Child Tax Benefit
- Follow procedures in policy for a child leaving care

Recording

File a copy of the court order terminating the permanent guardianship on the child's file and indicate the outcome in the electronic information system.

Related Information

1.3 Office of the Child and Youth Advocate
1.3 Home Study Report – Placement Resources
2.1.1 First Nations Designate
2.2.1 Metis Resources
3.2.4 Leaving the Care and Custody of the Director
5.3.2 Supervision Order
5.3.6 Private Guardianship
5.5 Court Procedures
8.1.1 Legal Representation for the Director
8.1.2 Legal Representation for Children and Youth
8.5 Receiving or Being Served with Court Documents
15.1 Post Adoption Registry Overview - Adoption

Relevant Forms

Contact Notes [CS0072]

Ongoing Assessment Record [CS3703]

Notice and Application by a Former Guardian to terminate a Permanent Guardianship Order [CS0025]

Section:	**5.3. Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.6 Private Guardianship**	Revision Date: January 1, 2014 Page 1 of 8

Policy

Any adult may make an application for a private guardianship order of a child who is in the custody of the director, as defined in s.1(5) or is a subject of a temporary guardianship order or, permanent guardianship order or agreement.

NOTE: Private guardianship applications under CYFEA only apply to children who are in the custody or guardianship of the director.

For other guardianship applications refer the person to the family court or the person's lawyer to make an application for guardianship under the *Family Law Act*.

Purpose

Private guardianship provides an alternative to adoption as a permanency option.

S.52(1) allows any person to apply for the private guardianship of a child in the custody or guardianship of the director. This permits multiple applications to be made to the court for the same child.

S.56(1) allows a court to grant a private guardianship order when it is satisfied that:

- the applicant is able and willing to assume the responsibility of a guardian toward the child,
- it is in the best interest of the child, and
- the child has been in the continuous care of the applicant for a period of at least three months immediately prior to the hearing.

NOTE: The "continuous care for three months" requirement may be waived if the court determines it is in the child's best interest.

Procedures

Deciding Whether to Support a Guardianship Application

To make a decision of whether to support a private guardianship application, work through the decision making process with the applicant.

When considering support for an application for private guardianship, assess the prospective private guardian's willingness and ability to:

- work cooperatively with all parties (e.g. biological parents, service providers, other family members) to develop and implement a plan for the care and safety of the child – families may be offered counselling services, mediation services or case conferencing to assist with this planning,
- understand and acknowledge the child's needs,
- provide the resources (financial and otherwise) to meet the specific needs of the child,
- provide for the needs of the child during the time the child has been in the home (if the child has been in the family's care), and
- access community resources to meet any special needs of the child.

Also explore the views of the child and their relationships with the applicant family.

Providing Information to the Prospective Private Guardian

The importance of the applicant being enabled to make an informed decision about private guardianship is essential. Ensure that applicants are aware of the following factors about the application process:

- The application process includes the completion of a home study report.
- The application requires the consent of:
    - the current guardian,
    - a child 12 years of age or older, and
    - a director, if the director is not the guardian.
- Per s.55(2) the court may make an order dispensing with the consent of:
    - the guardian of the child, other than the director,
    - the child, or
    - a director, unless a director is the guardian of the child.

NOTE: This means that the director must consent in all cases and this consent can not be waived. If the director is not the guardian, then the guardian's consent is also required; however, this consent can be waived by the court.

- If the child is an Aboriginal child, the application must include a cultural connection plan, which outlines how the child's Aboriginal culture will be preserved, and, per s.57.01(a), the guardian must take reasonable steps to comply with the cultural connection plan.
- Per s.57.01(b) if the child is an Indian child the private guardian must:
  - take reasonable steps on behalf of the child necessary for the child to exercise any rights the child may have as an Indian, and
  - inform the child of the child's Indian status as soon as, in the opinion of the guardian, the child is capable of understanding the child's status as an Indian.
- All parties served with the application for private guardianship shall receive a copy of the completed home study report and the cultural connection plan, if one is required.
- The court may waive service of the home study or cultural connection plan on any person other than the director – such a waiver may be appropriate in instances such as where a child may have access to personal information about a prospective private guardian.
- Involve the First Nations designate per s.107.
- Where multiple applications are made for a child, the court would determine who should be granted the guardianship of the child.
- The court may terminate the guardianship of any other guardians if:
  - the guardian agrees with the termination, or
  - the court feels it is necessary and desirable to do so.
- The court may choose not terminate guardianship of a previous guardian and a private guardianship order may include terms respecting custody and contact with the child – this would apply in instances such as where the guardianship of a previous guardian is not terminated or if a person with a significant relationship is granted access to the child.
- The applicant may be eligible for financial assistance if the child was subject to a permanent guardianship order or agreement at the time the private guardianship order was granted.
- If a private guardianship order is made, a guardian whose guardianship has not been terminated may make an application to terminate the private guardianship order to return guardianship to the original guardian.

When the applicant has questions regarding legal issues, suggest that the applicant obtain legal advice.

In every instance where a private guardianship application is made, the application should be supported by the concurrent plan and be made in the best interest of the child.

Private Guardianship Applications

A private guardianship application under CYFEA **must** meet the following conditions prior to proceeding with the application process:

- the child is in the custody or guardianship of the director,
- the applicant is willing to undergo a home study report in the regulated format.
- the consent of the following is obtained:
    - the guardian of the child,
    - a child 12 years of age or older, and
    - the director, if the director is not a guardian of the child
    - (the court may dispense with consents as per s.55(2))

NOTE: The consent of a child 12 years of age or older must be taken by a person who is delegated to take the consent of the child for the purposes of private guardianship. If the child has any questions about the legal meaning of private guardianship they should be referred to LRCY.

Notice of the hearing must be served not less than **30 day**s before the date of the hearing, on:

- the guardian(s) of the child,
- a child 12 years of age or older, and
- the director if the director is not a guardian.

Service shall include:

- the notice and application of private guardianship,
- the home study report, and
- the cultural connection plan, if one is required.

The court may waive some of the service requirements per s.53(2).

Assisting Applicants

A director may make an application for private guardianship on behalf of the applicant if;

- the applicant agrees in writing, and
- the director is satisfied that it is the best interest of the child for the child to be placed in the guardianship of the applicant.

Assist applicants with the private guardianship application process when the director supports the application. Determine with the applicant to what extent assistance is required. This may vary based on the status of the child and the circumstances of the applicant.

Permanent Guardianship

If the child is under permanent guardianship the director shall be responsible for preparing the home study report and supporting the applicant with the application process.

NOTE: If the director is served with a Notice and Application by a Former Guardian to Terminate a Permanent Guardianship Order [CS0025], any application for private guardianship must be adjourned until the application by the former guardian is disposed of.

Temporary Guardianship or Custody Agreement

If the child is under TGO or custody agreement, and where the director supports the application, and if the caregiver states they cannot afford to pay for a home study report, the director may prepare, or hire a qualified person to prepare, the home study report.

If making an application on behalf of an applicant:

- Determine that the application is in the child's best interests.
- Complete, file and serve Notice and Application by a Director for a Private Guardianship Order [CS2050] according to s.52(2).
- When there is a guardian of a child who is the subject of a permanent guardianship order or agreement and who is exercising access, serve that guardian with a copy of the notice and application by a director for a private guardianship order.
- Obtain the written consent of a child 12 years of age or older, using the Consent by a Child 12 Years of Age or Older [CS1612].
- Obtain the written consent of the guardian.
- Obtain the completed home study report.
- Obtain a cultural connection plan, if applicable.

- In all instances it is important to encourage applicants to seek legal advice regarding their application.

Consent of an Application by a Director

Within 10 working days of receiving the approval package, the director, or a designate, shall:

- review the approval package,
- ensure that the caseworker has had a face-to-face meeting with the child and that the child has an age appropriate understanding of private guardianship,
- ensure First Nation involvement has occurred per s.107, and
- complete the Consent by a Director or Authorized Delegate [CS2047]; or advise the caseworker that the application does not have the consent of the director.

If the director consents to the application:

- obtain the written consent of the director, and
- provide the consent to the applicant.

Effect of a Private Guardianship Order

The following take effect in the granting of a private guardianship order:

- A private guardianship order automatically terminates a temporary guardianship order for the child per s.40(1)(a.1).
- A private guardianship order automatically terminates a permanent guardianship order or agreement for the child, per s.40(2)(b).

Review of Contact Terms in an Order

- The court may make decisions affecting terms of the custody of, and access to, the child per s.56(1.1).
- A review of contact terms can be initiated per s.56.2(1) by:
  - a child, if the child is 12 years of age or older,
  - a person who has been granted contact with the child under an order,
  - a guardian of the child, or
  - a person who has a significant relationship with the child.

Termination of an Order

- If a private guardianship order was made under CYFEA, a guardian whose guardianship was not terminated under the order can make an application to terminate the guardianship order.
- If the court terminates the private guardianship order, the applicant and any other guardian whose guardianship was not terminated become the guardian(s).
- If a termination application is made, the director must be served and can make submissions to the court if the director is concerned about the termination and the return of the child to the previous guardian.
- If served with a notice of application for termination, notify the casework supervisor immediately to determine if there may be concerns related to the return of the child to the previous guardians and determine whether a submission to the court should be made and seek legal counsel as required.
- If a child is returned to a previous guardian through the termination of a private guardianship order and if there are concerns about the child's safety, initiate an intake and determine whether to complete an investigation.
- The court may per s.57(1) terminate the guardianship of a previous guardian with that guardian's consent, or without that guardian's consent if there is sufficient reason to do so.

Guardianship Applications under the Family Law Act

- An application for guardianship can be made under the *Family Law Act.*
- If the child is in the custody of the director, the director must be served with the notice of application.
- When served with a notice of an application for guardianship under the *Family Law Act*, consult with legal counsel and the casework supervisor on how to respond.

Recording

Place a copy of the private guardianship order on the file.

Record contacts throughout the application process on a Contact Note [CS0072] and/or in the contact log.

Update all legal authority actions and placement type changes in the electronic information system.

Closure of File

Close the file upon the granting of a private guardianship order. Prepare the file for closure and ensure that the correct legal actions codes and placement provider codes have been updated.

Related Information

3.2.3 Case Closure

5.3.5 Review of a Permanent Guardianship Order by a Former Guardian

5.5 Court Procedures

12. Supports for Permanency – Enhancement Policy Manual – Adoption

Family Law Act

Consent by a Child 12 Years of Age or Older [CS1612]

Consent by a Director or Authorized Delegate [CS2047]

Consent by a Guardian [CS1613]

Notice and Application by a Director for a Private Guardianship Order [CS2050]

Notice and Application for a Private Guardianship Order [CS0458]

Notice and Application by a Former Guardian to Terminate a Permanent Guardianship Order [CS0025]

Checklist for Court Documents

Law Society of Alberta
Telephone: 1-800-661-1095

To report a broken link click here.

Section:	**5.3 Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.7 Treatment Orders**	Revision Date: January 1, 2014 Page 1 of 5

Policy

Children requiring essential medical, surgical, dental or other remedial treatment recommended by a physician or dentist may receive such essential treatment under the following statuses:

- apprehension,
- initial custody,
- interim custody,
- temporary guardianship order,
- permanent guardianship order, or
- permanent guardianship agreement.

Purpose

A child may require essential treatment recommended by a physician or dentist however:

- A guardian may be unable, unavailable or may refuse to consent to the provision of essential treatment after the apprehension of their child.
- A child under a temporary guardianship order, permanent guardianship order or permanent guardianship agreement may refuse to consent to essential treatment.

An application for a treatment order under s.22.1(1) or 22.2(1) of CYFEA may be necessary to obtain the essential treatment that is recommended by a physician or dentist for a child when a guardian or child **refuses** to consent to essential treatment by a physician or dentist.

NOTE: When a child is under an apprehension, and the guardian is unable or unavailable to consent to the provision of essential treatment, the director may authorize the treatment without a court order.

Procedures

Prior to obtaining essential treatment for a child or applying for a treatment order:

- Record on Contact Notes [CS0072] and/or in the contact log, the discussion with and recommendation of the physician or dentist including what treatment is required and why it is essential.
- Obtain in writing the recommendation for essential treatment from the physician or dentist.
- Consult with the supervisor about the recommendation for essential treatment. Obtain and record, on contact notes and/or in the contact log, the approval of the manager, or appropriate person per the Delegation Schedule, to authorize the essential treatment.
  - If the essential treatment is controversial or experimental, consult the supervisor and manager for direction on how to proceed.
- Have the physician or dentist explain the treatment and consequences of the treatment to the guardian and/or child.
- Record on a contact note and/or contact log the discussion with the guardian and/or child. Clearly identify:
  - their willingness to consent to the treatment, or
  - their rationale for refusing to consent.

Treatment on Apprehension

If a child that has been apprehended, is under an initial custody order, or is under an interim custody order requires essential medical, surgical, dental or other remedial treatment that is recommended by a physician or dentist:

- Have the physician or dentist explain the treatment and consequences of the treatment to the guardian and the child, where the child is of sufficient maturity to understand such information.
- Obtain the guardian's consent for the treatment by having the guardian complete the consent to treatment. If the child is capable and willing to consent, have the child complete the consent to treatment.
- If the guardian is **unable or unavailable to consent**, with the appropriate approval, authorize the provision of the essential treatment recommended by a physician or dentist under s.22.1(1).
- If the guardian is **not consenting** to the provision of essential medical treatment because of religious or cultural beliefs, give the guardian an opportunity to find an adequate alternative unless the child is in immediate danger.

  - For example, a guardian of the Jehovah's Witness faith might wish to consult with the Hospital Liaison Committee of Jehovah's Witnesses. If the guardian does not know how to access the committee, contact either their Hospital Information Services 24-hour Emergency Hotline at 1-800-265-0327 or the Edmonton or Calgary crisis units for information. Both units have a copy of the Family Care and Medical Management for Jehovah's Witnesses with additional contact numbers.

- If the guardian **refuses to consent**, apply for a treatment order under s.22.1(2).
  - Complete and file a Notice and Application for a Treatment Order [CS1606].
  - Schedule a hearing.
  - Serve the guardian and the child, if the child is 12 years of age or older, with the notice not less than one day before the hearing per s.22.1(3). When calculating the number of days exclude the day the notice is served, the day of the hearing, weekends and holidays.
  - If such service is not possible, prepare to request that the court dispense with service or authorize shorter notice. Make every reasonable effort to notify the guardian about the hearing and to arrange for the guardian to be heard by the judge.
  - If the guardian was not served according to s.22.1(3), inform the judge:
    - of the efforts to serve the notice,
    - whether the guardian was notified in any manner, and
    - of any request to dispense with service or authorize shorter notice.
  - Present the case to the court.
  - In an emergency, the hearing may be held by telecommunication per s.22.1(4). If the hearing is heard by telecommunication, complete the Facsimile of Treatment Order [CS3616].
  - If the court makes a treatment order, provide the treatment order to the attending physician or dentist to authorize the treatment.

NOTE: If the court makes a treatment order, the authorization extends to the conclusion of the course of treatment even if the director ceases to have custody of the child per s.22.1(6).

Treatment Under Guardianship

If a child under a TGO, PGO or PGA requires essential medical, surgical, dental or other remedial treatment that is recommended by a physician or dentist:

- Have the physician or dentist explain the treatment and consequences of the treatment to the child where the child is of sufficient maturity to understand such information and provide or refuse consent. If the child is capable and willing to consent, have the child complete the consent to treatment.
- If a child is under a TGO, have the physician or dentist explain the treatment and consequences of the treatment to the guardian. If the guardian is willing to consent, have the guardian complete the consent to treatment. If the guardian does not consent, the director's guardianship supersedes the guardian's.
- If the child **refuses to consent,** record on contact notes and/or in the contact log the discussion with the child and the reasons that the child is refusing to consent to the treatment.
    - Apply for a treatment order under s.22.2(1).
    - Refer the child to Legal Representation for Children and Youth.
    - Complete and file a Notice and Application for an Order Authorizing Treatment of a Child under a Temporary Guardianship Order or a Permanent Guardianship Order or Agreement [CS3615].
    - Schedule a hearing.
    - Serve the child, if the child is 12 years of age or older, and the guardian, if the child is the subject of a TGO, with the notice not less than one day before the hearing per s.22.2(2). When calculating the number of days exclude the day the notice is served, the day of the hearing, weekends and holidays.
    - If such service is not possible, prepare to request that the court dispense with service or authorize shorter notice. Make every reasonable effort to notify the child and guardian about the hearing and to arrange for the child and guardian to be heard by the judge.
    - If the child or guardian was not served according to s.22.2(2), inform the judge:
        - of the efforts to serve the notice,
        - whether the child or guardian was notified in any manner, and
        - of any request to dispense with service or authorize shorter notice.
    - Present the case to the court.

- If the court makes a treatment order, provide the treatment order to the attending physician or dentist to authorize the treatment.

NOTE: If the court makes a treatment order, the authorization extends to the conclusion of the course of treatment even if the director ceases to have guardianship of the child per s.22.2(3).

Related Information

1.1.1 Recording Contacts and Collection of Personal Information

5.3.1 Apprehensions

8.1.1 Legal Representation for the Director

8.1.2 Legal Representation for Children and Youth

8.1.3 Legal Representation for a Guardian

9.1.1 Medical/Dental Consent

Contact Note [CS0072]

Facsimile of Treatment Order [CS3616]

Notice and Application for an Order Authorizing Treatment of a Child under a Temporary Guardianship Order or a Permanent Guardianship Order or Agreement [CS3615]

Notice and Application for an Order Authorizing Treatment of an Apprehended Child [CS1606]

Checklist for Court Documents

To report a broken link click here.

Chapter 5: CYFEA Agreements and Orders

Section:	**5.3 Orders**	Issue Date: October 1, 2011
Subsection:	**5.3.8 Custody Orders**	Revision Date: January 1, 2014
		Page 1 of 4

Policy

When the director makes an application for a TGO or PGO after an apprehension, the director **must** also apply for an order for the custody of the child until the application for the TGO or PGO is withdrawn or disposed of per s.21.1(1).

Purpose

During adjournments, while waiting for the court to dispose of a substantive application, the court must make an order for the custody of the child. Upon hearing a custody application, the court may order the child into the custody of the director or order the child be returned to the custody of the child's guardian.

If an application for TGO or PGO is adjourned, the court must make an interim order providing for the custody of the child and may include terms regarding access to the child per s.21.1(5).

If the court adjourns a hearing under Division 3, Court Orders, the court must make an interim order providing for the custody of the child or access to the child during the adjournment per s.26(2).

Procedures

Initial Custody

After an apprehension, an application for initial custody must be made if the director is applying for a TGO or PGO.

Initial custody may be granted after an apprehension if the director has made an application for a TGO or PGO.

NOTE: The concurrent plan must be initiated within 42 days of the date of an application for initial custody, a TGO or a PGO, and must be submitted to the court as evidence in the TGO or PGO hearing.

Terms

Upon making an initial custody order, the court may:

- include terms for access to be provided between the child and guardian or any other person with whom the child has a significant relationship, and
- require an assessment of the child or the child's guardian and any other person who may be given custody of the child when the application for a TGO is disposed of.

Adjournments

Per s.21.1(4)(b):

- An application for initial custody is summary in nature.
- Adjournments may be for no more than 14 days at a time unless the parties agree to a longer period of adjournment.
- The adjournment of an initial custody application shall not exceed 42 days per s.21.1(4)(b).

NOTE: Per s.21.1(5), if adjourned, the court must make an interim order providing for the custody of the child. The order may also include terms respecting access to the child.

Per s.21.1(5.1) the court may hear a motion for an adjournment of an initial custody application by videoconference if the court is satisfied that it is proper to do so.

To have a motion for an adjournment of an initial custody application heard via videoconference:

- Contact the clerk's office to arrange a time for the judge to hear the motion for an adjournment.
- Book a room where the caseworker can have the motion of adjournment heard. Present evidence supporting the motion for an adjournment.

Interim Custody

If an application is made under Division 3, and the court adjourns the hearing, the court must make an interim order providing for the custody of or access to the child during the adjournment.

Per s.33(5), if the court adjourns a hearing of an application for a PGO, the court must make an interim order granting custody to a director pending the disposition of the application unless the court is satisfied that it is in the best interests of the child to do otherwise.

Adjournments

Per s.26:

- The court may adjourn a hearing for not more than 42 days or any longer period that the court directs.
- If the court adjourns a hearing, the court must make an interim order providing for the custody of or access to the child.

Applying for an Initial Custody Order

Apply for, and file, an initial custody order after an apprehension **at the same time as** making an application for a TGO or PGO.

- Complete the Notice and Application for a Custody Order [CS3613].
- Indicate on the application:
  - If access to the child is required and by whom.
  - If an assessment of the child, the child's guardian or any other person who may be given custody of the child is required.
- File the application with the court within 7 days following the apprehension.

Service

At least five days before the date set for the hearing, serve:

- all guardians,
- the child if 12 years of age or over,
- the foster care provider, if the child has been in their care for 6 months immediately preceding the application, and
- any other person who had the care of the child at the time of apprehension, if the child was in their care for 6 months immediately preceding the application.

Recording

Complete all electronic record entries.

- Place a copy of the order(s) on the legal section of the child's file.

Related Information

4.2.3 Concurrent Plan

5.3.1 Apprehensions

5.3.3 Temporary Guardianship Orders

5.3.4 Permanent Guardianship Orders

5.5 Court Procedures

Notice and Application for a Custody Order [CS3613]

Checklist for Court Documents

To report a broken link click here.

Section: **5.3 Orders**	Issue Date: October 1, 2011
Subsection: **5.3.9 Enter and Search to Return a Child to the Director's Custody**	Revision Date: January 1, 2014 Page 1 of 3

Policy

Apply for an order to enter, search for and remove a child to return to the custody of the director when:

- a child in the custody of the director has left or been removed from the custody of the director, without the director's consent, and
- there are reasonable grounds to believe the child may be found in a place or premises, and
- the occupant of the premises will not permit access to the child.

A child is in the custody of the director per s.1(5) if the child:

- has been apprehended and not returned to the custody of the child`s guardian,
- is the subject of a custody order or an interim order for custody, or
- is the subject of a custody agreement.

Purpose

S.19(2)(3) provides the authority for the director to make an ex parte application to the court to enter, search for, and return a child to the custody of the director.

S.19(4) provides authority to the director to enter, search for and remove a child to return to the director's custody, without an order, if the child's life or health would be seriously and imminently endangered as the result of the time required to obtain an order.

Procedures

Make all decisions relating to an application to enter, search for and return a child to the custody of the director, in consultation with a caseworker supervisor. Determine if:

- an order to enter, search and remove is necessary and appropriate to access the child,
- it is impracticable to appear in court in person, and make an application for the order by telephone or teleconference, or
- the child's life or health may be imminently endangered as a result of the time required to obtain an order, and proceed to enter and search a premises for the child without an order per s.19(4).

Determine the best method for applying for the order. Whenever possible make the application in court before a judge. If that is not practical make the application by telephone or videoconference.

Follow the procedures for preparing a court application, in person, or by telephone or teleconference, as outlined in the Court Procedures policy and the Checklist for Court Documents.

Making a Court Application

Apply in Court

Complete and file Notice and Application for an Apprehension Order [CS1602] and make an ex parte application before a judge for an order to enter and search under s.19(3). Check the appropriate box in the 'Application' section for an order to enter, search and remove a child for the purposes to returning the child to the custody of the director.

If an enter and search order is granted, obtain a copy of the order and execute the order.

Apply by Telephone

To apply for an order by telephone:

- Assemble the information necessary for an application for an order to enter search and return a child to the director's care and the Facsimile of Apprehension Order [CS1636].
- Phone the court administrator in the nearest court and ask to make an application to a judge. This application is made ex parte and service of the application is not required. Courts are located in Calgary, Edmonton, Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer.

- If the nearest court cannot provide a judge, phone the Edmonton or Calgary Courthouse and ask to make an application to a judge or, if not available, to a justice of the peace.
- If it is outside of business hours (8:30 AM to 4:00 PM business days), phone 1-800-661-1907.

If an enter and search order is granted, complete a Facsimile of Apprehension Order [CS1636] and execute the order.

Entering a Premises Without an Order for Purposes of Returning the Child to the Director

If it is determined that the life or health of the child would be imminently endangered as a result of the time required to obtain an order before a judge or by telecommunications, s.19(4) authorizes the director to; without an order, enter, by force if necessary and search and remove a child to return the child to the director's custody.

If there is opportunity to apply for an order to search, enter and return a child to the director via court or telecommunication, then the criteria for proceeding without an order are not met.

Police Assistance

Obtain police assistance to enter the premises by force and recover the child, if necessary.

Related Information

5.3.1 Apprehensions

5.5 Court Procedures

Notice and Application for an Apprehension Order [CS1602]

Checklist for Court Documents

To report a broken link click here.

Section: **5.4 Secure Services**	Issue Date: October 1, 2011
Subsection: **5.4.0 Secure Services Overview**	Revision Date: October 1, 2011 Page 1 of 3

Overview

Secure services is used to stabilize and assess a high-risk child who is primarily over the age of 12 when less intrusive measures have been unsuccessful at stabilizing and sufficiently reducing the danger to the child.

Assess and determine whether a child is in need of secure services using the criteria outlined in s.43.1 and s.44 of CYFEA.

> NOTE: Caseworkers **must** access secure services through a court order as secure services is an extremely intrusive intervention. This method is reflective of best practice and has a higher degree of accountability. If a situation arises where an immediate response is required, and there is no opportunity to access court, caseworkers may utilize a secure services certificate.

An on-going assessment and the development of a secure services plan must be completed when a child remains in secure services for more than 10 days.

The **total time** that a child is confined in secure services **cannot exceed 30 days**.

Secure services is the most intrusive intervention under CYFEA, on a continuum of services available to assess and stabilize a high-risk child; it should only be used after all other options have been exhausted. This intervention brings together the knowledge and efforts of a multidisciplinary team to assess and create a plan to stabilize and successfully transition the child back into the community.

Procedures

Prior to Accessing Secure Services

Utilize all less intrusive service options available to stabilize the child (e.g., a one-to-one, a community risk assessment, therapist, family support).

Document on a Contact Note [CS0072] and/or the contact log the less intrusive measures that were explored and why the services were unsuccessful at stabilizing the child.

Secure Services Criteria

Assess and determine per s.43.1(1) and s.44(2) if:

- **The child is in a condition presenting an immediate danger to the child or others.** The child has performed a recent act, or is in a condition which could lead to the performance of an act – typically within the past 72 hours – that has caused, will cause or will create an immediate risk of serious harm or danger to self or others; AND
- **It is necessary to confine the child in order to stabilize and assess the child.** The child may not submit voluntarily to assessment or intervention directed at stabilization; AND
- **Less intrusive measures are not adequate to sufficiently reduce the danger.** Less intrusive measures that have been explored and attempted are documented as being unsuccessful at stabilizing and have not sufficiently reduced the danger to the child.

NOTE: If a child is engaging in, or attempting to engage in sexual exploitation through prostitution, determine if the child's needs would be better met under PSECA in a protective safe house. Refer to PSECA Policy Manual.

Eligible Statuses

Secure services may be accessed under the following statuses:

- a family enhancement agreement with a guardian or custodian,
- a custody agreement with guardian,
- a supervision order,
- a temporary guardianship order,
- a permanent guardianship agreement or order, or
- when a child is in the custody of the director under apprehension, a custody order or an interim custody order.

The guardian has full guardianship rights and **must** provide written consent to access secure services under a secure services certificate under the following statuses:

- a supervision order,

- a custody agreement with a guardian, or
- a family enhancement agreement with a guardian or custodian.

To access secure services for a **youth under an enhancement agreement with youth or a custody agreement with youth**, the caseworker must obtain custody by first apprehending the youth.

Exclusion from Proceedings

Per s.44.2, **any party** may make an application to the court to exclude any person from a secure services proceeding, including the child or the guardian of the child if the court is satisfied that:

- the information or evidence presented would be seriously injurious or seriously prejudicial to the child, or
- contrary to public interest.

The court may not exclude:

- the director, or
- the lawyer for the director, the child, or the child's guardian.

Related Information

5.4.1 Accessing Secure Services via a Secure Services Order

5.4.2 Accessing Secure Services via a Secure Services Certificate

5.4.3 Secure Services Placement Procedures

5.4.4 Review of a Secure Services Order

PSECA Policy Manual

Contact Note [CS0072]

Checklist for Court Documents

To report a broken link click here.

Section:	**5.4 Secure Services**	Issue Date: October 1, 2011
Subsection:	**5.4.1 Accessing Secure Services via a Secure Services Order**	Revision Date: October 1, 2011
		Page 1 of 5

Policy

An application for a secure services order is made under s.44(1) of CYFEA. The **total time** that a child is confined in secure services cannot exceed **30 days**.

The 30 day maximum is comprised of:

- an initial secure services order for up to 5 days,
- a continuation of the secure services order for up to 5 days, and
- a renewal of the secure services order of up to 20 days.

Procedure

Prior to Applying for a Secure Services Order

- Ensure the child meets all of the criteria outlined in s.44(1) and 44(2) of CYFEA and summarized in 5.4.0 Secure Services Overview.
- Utilize all less intrusive service options available to stabilize the child (e.g. a one-to-one, a community risk assessment, therapist, family support) to stabilize the child.
- Document on a Contact Note [CS0072] and/or the contact log the less intrusive measures that were explored and why the services were unsuccessful at stabilizing the child.
- Consult with the supervisor regarding the urgent nature of the child's circumstances and why a secure services order is required. Include in your discussion a review of the attempted interventions that have not been successful in stabilizing the child.
- Record on a contact note and/or the contact log the supervisor's approval to apply for a secure services order.

Initial Secure Services Order (Maximum 5 days)

- An initial secure services order can be made for a **maximum of 5 days**.

- Complete the Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608] per s.44(1) and file with the court. The court will hear an application on an ex parte basis. Service of the application is not required.
- Provide factual, concise information to the court as evidence of how the child meets the criteria.
- Place a copy of the secure services order on the legal section of the child's file.

Service Requirements for the Initial Secure Services Order

The initial application for a secure services order (**up to 5 days**) is made ex parte per s.44(1). Therefore, service of the application is not required.

Per s.44(3), if the court grants an initial secure services order (**maximum 5 days**):

- serve the **child** with a copy of the order **not more than** one day after the order was granted, and
- notify the **guardian as soon as possible** either by serving the order or by orally advising the guardian.

Continuation of the Secure Services Order (Maximum 5 days)

- Consult with staff at the secure services facility to determine whether further assessment and stabilization is warranted. If a further period of time is required to stabilize, or assess and prepare a plan for services, apply for a continuation of the secure services order under s.44(4) (**maximum 5 days**).
- Complete a Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608] and file it with the court prior to the expiry of the initial secure services order.
- Place a copy of the continuation of the secure services order on the legal section of the child's file.

NOTE: If a continuation is not granted, immediately arrange for the release of the child.

Service Requirements for a Continuation

Per s.44(5), serve **the child and guardian** of the child with a filed copy of the notice and application for a continuation indicating the date, time and place of the hearing **not less than** one day before the hearing date.

- Complete an Affidavit of Service [CS0508] for each person served.

- File the original affidavits of service with the clerk of the court along with exact copies of the documents that were served attached as exhibits.
- Keep a copy of the filed affidavit of service with its exhibit on the child's file.

Consent

Where a guardian or child indicates a willingness to consent:

- have them sign the Consent by Guardian [CS1612] or Consent by a Child 12 Years of Age or Older [CS1613],
- file the original consent with the clerk of the court, and
- place a filed copy of any consent on the child's file.

Secure Services Plan

Determine if the child is likely to have sufficiently stabilized during the further period of confinement and when the child will be ready for discharge. If the caseworker and the multidisciplinary team believe that:

- the child **can be stabilized** during the first 10 days, then **do not** complete the secure services plan and assessment.
- the child **requires a further period of confinement** to stabilize, or assess and prepare a plan for services, **complete the Secure Services Plan** [CS3511].

Renewal of a Secure Services Order (Maximum 20 days)

Consult with staff at the secure services facility to determine whether further confinement is necessary to stabilize or assess the child.

- If a further period of time is required to stabilize, or assess and prepare a plan for services, complete the Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608] and file it with the court, requesting a renewal of up to 20 days.

NOTE: The **total maximum time** that a child may remain in secure services **is 30 days.** For instructions on counting the number of days, refer to the Checklist for Court Documents.

- Ensure that an assessment and a secure services plan are completed with the multidisciplinary team prior to the end of the initial10-days in secure services.
- Ensure that the child and guardian are both aware of the right to attend court and to be represented by a lawyer.
- Assist the child to obtain a lawyer from the Legal Representation for Children and Youth service.

- Present the assessment and secure services plan to the court at the time of the renewal application.

NOTE: If a renewal is not granted, immediately arrange for the release of the child.

- Place a copy of the renewal of the secure services order on the legal section of the child's file.

Service of Renewal Applications

Per s.44.1(1) and 44(5), serve the **child and the guardian** of the child with a filed copy of the notice and application for a renewal indicating the date, time and place of the hearing **not less than** one day before the hearing date of the application.

- Complete an Affidavit of Service [CS0508] for each person served.
- File the original affidavits of service with the clerk of the court along with exact copies of the documents that were served attached as exhibits.
- Keep a copy of the filed affidavit of service with its exhibit on the child's file.

Consent

Where a guardian or child indicates a willingness to consent:

- have them sign the Consent by Guardian [CS1612] or Consent by a Child 12 Years of Age or Older [CS1613],
- file the original consent with the clerk of the court, and
- place a filed copy of any consent on the child's file.

Adjournments

Per s.51(1), the court may adjourn a hearing of an application for a secure services order and extend the confinement to obtain evidence to determine whether a secure services order should be issued.

Per s.51(3), if an application for a secure services order is adjourned, the number of days the child was confined during the adjournment **must** be included when calculating the 30 day maximum period of confinement for a child in secure services.

Recording

- Complete all electronic record entries.

Related Information

5.4.0 Secure Service Overview

5.4.3 Secure Services Placement Procedures

5.4.4 Review of a Secure Services Order

8.1.2 Legal Representation for Children and Youth

Affidavit of Service [CS0508]

Consent by a Child 12 Years of Age or Older [CS1612]

Consent by Guardian [CS1613]

Contact Note [CS0072]

Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608]

Secure Services Plan [CS3511]

Checklist for Court Documents

To report a broken link click here.

Section:	**5.4 Secure Services**	Issue Date: October 1, 2011
Subsection:	**5.4.2 Accessing Secure Services via a Secure Services Certificate**	Revision Date: October 1, 2011 Page 1 of 7

Policy

A secure services certificate is issued under s.43.1(1) of CYFEA. The **maximum time** that **a certificate may be issued** for **is 3 days**.

The **total time** that a child is confined in secure services **cannot exceed 30 days**.

The 30 day maximum is comprised of:

- a secure services certificate for up to 3 days,
- a further period of confinement under a secure services order for up to 7 days, and
- a renewal of the secure services order for up to 20 days.

Procedure

Prior to Issuing a Secure Services Certificate

- Ensure the child meets all of the criteria outlined in s.43.1(1) and 43.1(2) of CYFEA.
- Utilize all less intrusive service options available to stabilize the child (e.g. a one-to-one, a community risk assessment, therapist, family support).
- Document on a Contact Note [CS0072] and/or the contact log the less intrusive measures that were explored and why the services were unsuccessful at stabilizing the child.
- Consult with the casework supervisor regarding the urgent nature of the child's circumstances, why a secure services certificate is required and why a secure services order cannot be accessed. Include in your discussion a review of the attempted interventions that have not been successful in stabilizing the child.

- Record on a contact note and/or the contact log the supervisor's approval to have a manager or person delegated as per the Delegation Schedule issue a secure services certificate.

Secure Services Certificate (Maximum 3 days)

A secure services certificate may only be issued by a worksite manager or other person delegated as per the Delegation Schedule.

- With casework supervisor approval, obtain a completed Secure Services Certificate [CS1620] from a worksite manager for a period of up to 3 days.
- Place a copy of the secure services certificate on the legal section of the child's file.

Consent

The guardian has full guardianship rights and **must** provide written consent to access secure services under a secure services certificate under the following statuses:

- a supervision order,
- a custody agreement with a guardian, or
- a family enhancement agreement with a guardian or custodian.

Record the guardian's consent in Section 2 of the Secure Services Certificate [CS1620].

If the guardian does not consent to the certificate, apply first for an apprehension order.

NOTE: A secure services certificate **may not** be issued for a youth under an enhancement agreement with youth or a custody agreement with youth.

Service of a Secure Services Certificate, Show Cause Hearing and Application for a Secure Services Order

Per s.43.1(4), serve the **child and the guardian** (if the guardian consented to the certificate) not more than one day after the certificate was issued with:

- a filed copy of the secure services certificate outlining the reason for and duration of the confinement,
- a notice of a date, time and place where the appearance to show cause will be held, and
- if necessary, file an application for a further period of confinement.

Complete an Affidavit of Service [CS0508] for each person served.

File the original affidavits of service with the clerk of the court along with exact copies of the documents that were served attached as exhibits.

Keep a copy of the filed affidavit of service with its exhibit on the child's file.

Ensure the child and the guardian are both aware of their right to attend court and to be represented by a lawyer.

Assist the child to obtain a lawyer from LRCY.

Show Cause Hearing

Attend court **within 3 days** of confinement to "Show Cause" for confining a child without the court's prior approval.

- When counting the 3 days do not include the day of confinement, weekends or holidays. Include all other days including the day of court.
- Refer to the Checklist for Court Documents to determine when to show cause. Best practice is to show cause for confinement as soon as possible.

Complete the Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement [CS1604] to document your evidence as to how the child met the criteria for confinement when the certificate was issued.

Where a guardian or child indicates a willingness to consent:

- have them sign the Consent by Guardian [CS1612] or Consent by a Child 12 Years of Age or Older [CS1613],
- file the original consent with the clerk of the court, and
- place a filed copy of any consent on the child's file.

Assemble all documents required by the court:

- a copy of the Secure Services Certificate [CS1620],
- the Affidavit of Service [CS0508] or documentation of reasons why the child and/or guardian who consented could not be served, and
- the risk assessment completed by secure services staff or documentation of the progress of the assessment.

The Show Cause hearing and subsequent application for a secure services order may be heard:

- in person before the court,

- by telecommunication, or
- by videoconference.

It is best practice to have the Show Cause hearing and application for a further period of confinement heard in person before the court.

NOTE: The court will determine if there are exceptional circumstances and sufficient reasons as to why it is impractical to appear personally in court and have the Show Cause hearing and subsequent application for a further period of confinement heard by telecommunication or videoconference. The court may require attendance in person.

To have a Show Cause hearing and an application for a further period of confinement heard **via telecommunication**:

- Phone the court administrator in the nearest court and ask to make an application to a judge.
- If the nearest court cannot provide a judge, phone the Edmonton or Calgary courthouse and ask to make an application to a judge or, if not available, to a justice of the peace.

If a secure services order is granted, complete a Facsimile of Secure Services Order [CS4031]. To have a Show Cause hearing and an application for a further period of confinement heard **via videoconference**:

- Contact the clerk's office to arrange a time for the judge to hear the Show Cause and application.
- Book a room where the caseworker can Show Cause for the confinement and have the application for a further period of confinement heard. Present evidence supporting the confinement and for the application for a further period of confinement.
- If a secure services order is granted, complete a Facsimile of Secure Services Order [CS4031].

Secure Services Order – Further Period of Confinement (Maximum 7 days)

- Consult with staff at the secure services facility prior to attending court to Show Cause to determine whether further assessment and stabilization is warranted.
- If a further period of time is required to stabilize, or assess and prepare a plan for services, a further period of confinement of up to 7 days may be requested at the same time as the Show Cause hearing.
- Complete the Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement form [CS1604].

- Ensure the child and the guardian are both aware of their right to attend court and to be represented by a lawyer.
- Assist the child to obtain a lawyer from Legal Representation for Children and Youth.
- Provide factual, concise information as evidence (either orally or by a sworn court document) outlining how the child:
  - meets the criteria for confinement, and
  - requires further confinement to stabilize, and/or
  - requires further confinement to be assessed and prepare a plan for services.

Service of a Secure Services Order

Per s.43.1(8):

- serve the **child** with a copy of the order **not more than** one day after the order was granted, and
- notify the **guardian as soon as possible** orally or in writing.

Complete an Affidavit of Service [CS0508] for each person served.

File the original affidavits of service with the clerk of the court along with exact copies of the documents that were served attached as exhibits.

Keep a copy of the filed affidavit of service with its exhibit on the child's file.

Secure Services Plan

Determine if the child is likely to have sufficiently stabilized during the further period of confinement and when the child will be ready for discharge. If the caseworker and the multidisciplinary team believe that:

- the child **can** be stabilized during the first 10 days, then **do not** complete the secure services plan and assessment.
- the child **requires a further period of confinement** to stabilize, or assess and prepare a plan for services, **complete the Secure Services Plan** [CS3511].

Renewal of a Secure Services Order (Maximum 20 days)

- To request a renewal of the secure services order under s.44.1, complete the Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608] and file it with the court, requesting a renewal of **up to 20 days**.

NOTE: The **total time** that a child is confined in secure services **cannot exceed 30 days.**

- Ensure the child and the guardian are both aware of the right to attend court and to be represented by a lawyer.
- Assist the child to obtain a lawyer from Legal Representation for Children and Youth.
- Ensure that an assessment and a Secure Services Plan [CS3511] are completed with the multidisciplinary team prior to the end of the initial10-days in secure services.
- Present the secure services plan and assessment to the court at the time of the application.
- Place a copy of the secure services order on the legal section of the child's file.

NOTE: If a renewal is not granted, immediately arrange for the release of the child.

Service of Renewal Applications

Per s.44.1(1) and 44(5), serve the child and the guardian with a filed copy of the notice and application for secure services order or a renewal for a secure services order not less than one day before the hearing date of the application.

Complete an Affidavit of Service [CS0508] for each person served.

File the original affidavits of service with the clerk of the court along with exact copies of the documents that were served attached as exhibits.

Keep a copy of the filed affidavit of service with its exhibit on the child's file.

Adjournments

Per s.51(1), the court may adjourn a hearing of an application for a secure services order and extend the confinement to obtain evidence to determine whether a secure services order should be issued.

Per s.51(3), if an application for a secure services order is adjourned, the number of days the child was confined during the adjournment **must** be included when calculating 30 day maximum period of confinement for a child in secure services.

Recording

Complete all electronic record entries.

Related Information

5.3.1 Apprehensions

5.4.0 Secure Service Overview

5.4.3 Secure Services Placement Procedures

5.4.4 Review of a Secure Services Order

8.1.2 Legal Representation for Children and Youth

Affidavit of Service [CS0508]

Appearance to Show Cause for Issuing a Secure Services Certificate and Notice and Application for Further Confinement [CS1604]

Consent by a Child 12 Years of Age or Older [CS1612]

Consent by Guardian [CS1613]

Contact Note [CS0072]

Facsimile of Secure Services Order [CS4031]

Notice and Application for Secure Services Order or a Renewal for a Secure Services Order [CS1608]

Secure Services Certificate [CS1620]

Secure Services Plan [CS3511]

Checklist for Court Documents

Section:	**5.4 Secure Services**	Issue Date: October 1, 2011
Subsection:	**5.4.3 Secure Services Placement Procedures**	Revision Date: October 1, 2011 Page 1 of 4

Policy

Children who require secure services may **only** be placed in the following secure services facilities per Schedule 2 of the *Child, Youth and Family Enhancement Regulation:*

- Youth Assessment Centre (High Prairie),
- Youth Assessment Centre (Lac La Biche),
- Youth Assessment Centre (Red Deer),
- Yellowhead Youth Centre (Edmonton),
- Hull Child and Family Services (Calgary), and
- Sifton Family and Youth Services (Lethbridge).

Procedure

Arrange to place the child in a secure services facility according to the regional placement procedures.

Notify and make arrangements with the designated facility of the impending admission of the child.

Transport the child to the facility. If necessary, request police assistance.

Provide the facility with Delegation of Powers and Duties to a Child Caregiver [CS1631]. Check off the statements authorizing the director of the facility to:

- grant a leave of absence and give staff the authority to locate and return the child if absent without leave, and
- sub delegate any of these powers and duties to facility staff.

A facility director may sub delegate any powers and duties to specified facility staff:

- if the caseworker has approved the written sub delegation policies of the facility, and
- by completing Sub-Delegation of Powers and Duties to a Child Care Provider [CS1757].

Provide the facility with a copy of the order or the certificate.

At admission provide the following information to the facility:

- child and family identifying information,
- concurrent plan, family enhancement plan or transition to independence plan,
- most recent medical report, immunization record and any medical care information and procedures,
- Alberta health care number,
- current assessment or service reports,
- reports from previous residential placements,
- placement and service history,
- reason for current intervention involvement,
- reason for confinement,
- known behaviour management issues and useful strategies, and
- any other information useful to care for and assess the child.

Transfers Between Secure Services Facilities

A child may be transferred from one secure services facility to another when:

- it is preferable to have the child closer to the home community, the guardian or another person,
- it is necessary to access services not currently available in the community, or
- it will meet other specific needs.

Procedure

Obtain authorization to transfer from the regional manager.

Record the reasons for the transfer on a Contact Note [CS0072] and/or the contact log.

Follow regional placement procedures.

Follow the noted procedures to place a child in secure services.

Leave of Absence from a Secure Services Facility

Per s.47, the director may grant a child a leave of absence from the secure services facility for medical, humanitarian or rehabilitative reasons and may include any terms and conditions considered necessary for the leave.

A leave of absence is required any time that a child will be absent from the facility for a reason listed under s.47 and:

- for any period if not accompanied by either facility staff or the caseworker, or
- for more than 24 consecutive hours even if accompanied by facility staff or the caseworker.

Consult with the casework supervisor and the director of the secure services facility. If all parties are in support of the leave of absence, grant the leave of absence.

The facility director completes the Leave of Absence from a Secure Services Facility [CS1623] form.

Record the approval for a leave of absence on a contact note and/or the contact log.

Consult with legal counsel if unsure whether a leave is required.

Recording

Complete all electronic record entries.

Related Information

5.4.0 Secure Service Overview

5.4.1 Accessing Secure Services via a Secure Services Order

5.4.2 Accessing Secure Services via a Secure Services Certificate

5.4.4 Review of a Secure Services Order

Contact Note [CS0072]

Delegation of Powers and Duties to a Child Caregiver [CS1631]

Leave of Absence from a Secure Services Facility [CS1623]

Sub-Delegation of Powers and Duties to a Child Care Provider [CS1757]

Section:	**5.4 Secure Services**	Issue Date: October 1, 2011
Subsection:	**5.4.4 Review of a Secure Services Order**	Revision Date: October 1, 2011 Page 1 of 3

Policy

Apply to have a secure services order reviewed per s.49 if:

- a child has sufficiently stabilized and is no longer a risk to self or others prior to the end of the order,
- an assessment recommends a shorter term or the termination of the current order, or
- the assessment does not confirm the need for secure services.

Purpose

Secure services is a highly intrusive intervention which is sometimes needed to assess and stabilize a high-risk child who is a danger to themselves and/or others. Children should only remain in a secure services facility if they are at risk and require further assessment and stabilization. Once it is determined that secure services is no longer required, the child must be transitioned to less intrusive services.

Per s.49(3) of CYFEA, the hearing of a review must be held not more than 3 days after the application is filed with the court.

Per s.49(2) of CYFEA, an application to have a secure services order reviewed may be made by:

- a child,
- a guardian, or
- the director.

NOTE: The director may request a review at any time during a secure services order or renewal of a secure services order. A child or guardian may request a review once during the period of the secure services order and once during the renewal of a secure services order.

Procedure

- Complete a Notice and Application for a Review [CS1597] and file with the court.
- Schedule a court hearing.
- Notify the child, the guardian and the facility not less than 1 day before the hearing of the date, time and place.
- Ensure the child and the guardian are both aware of their right to attend court and to be represented by a lawyer.
- Assist the child to obtain a lawyer through Legal Representation for Children and Youth.
- Present the case in court.
- If an order is granted, provide copies of the order to the child, the guardian, the child's lawyer (if any) and the facility.
- If the secure services order is terminated, arrange the immediate release of the child.

Service of a Notice and Application for a Review

Per s.49(5), **not less than** 1 day before the date fixed for the hearing, by registered mail or any other method approved by the court, serve a filed copy of the application on the:

- child,
- guardian, and
- person in charge of the secure services facility.

Per s.49(6), on ex parte application of the director, the court may:

- authorize an alternate method of service,
- extend or reduce the time that this service must be completed within,
- extend the time that the hearing must be heard within,
- authorize service on a guardian appointed under the *Dependent Adults Act* instead of the guardian of the child,
- authorize a shorter period of notice, and
- dispense with service on any person.

Per s.49(7), at the time of the hearing, the court may:

- approve service that it considers adequate,
- approve a shorter period of time as sufficient notice, and

- dispense with service on any person.

Review by the Child or Guardian

If a child or guardian wants to request a review, assist the child or guardian in obtaining the appropriate forms.

If a child or guardian serves a notice of a review on the caseworker:

- accept and date stamp the notice, and
- file the notice on the child's file.

NOTE: Per s.49(4), where the director is not the applicant, the clerk of the court will notify the director of the application.

Recording

Complete all electronic record entries.

Related Information

5.4.0 Secure Service Overview

5.4.2 Accessing Secure Services via a Secure Services Certificate

5.4.3 Secure Services Placement Procedures

5.5 Court Procedures

8.1.2 Legal Representation for Children and Youth

Adult Guardianship and Trusteeship Act

Notice and Application for a Review [CS1597]

Checklist for Court Documents

Section:	**5.5 Court Procedures**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 11

Overview

In support of any application under CYFEA made to the court, the director has the responsibility of ensuring that all parties are aware of their rights, and that all requirements of the court, including notice, service, documentation and evidence, are met in order to support the director's case.

Do not provide legal advice to any party, and refer the other parties to Legal Aid, lawyer referral, or where the party is a child, to the Office of the Child and Youth Advocate to access counsel through the Legal Representation for Children and Youth.

At all times, ensure case planning and decision making is compliant with orders of the court and the legislative provisions of CYFEA.

Procedures

Required Activities

- Complete the notice and application appropriate to the hearing.
- Ensure that every person required to be served under CYFEA is served within the timelines and criteria per the legislation.
- Complete the affidavit of service for each notice served; prepare proof of any alternate service authorized by the court. Refer to the "Handy Hints" section of the Checklist for Court Documents for guidance regarding how to prepare the affidavit of service.
- Complete the appropriate consent form if the guardian or a child over the age of 12 is consenting to the application.
- Ensure that the child, guardian and caregiver are aware of the hearing and are informed about the purpose, nature and potential outcomes of the hearing.

- Prepare evidence (including a court report and the appropriate planning document) and make arrangements for necessary witnesses and/or interpreters.
- Obtain legal counsel for the director and/or the child as necessary.
- Prepare to request the exclusion of a person from the hearing, if necessary.
- Address adjournment issues, including making recommendations regarding custody, interim access and/or guardianship for the duration of the adjournment.

Notice and Service

An application must be filed with the court prior to being served. All service requirements must be met prior to the court hearing of the application. Refer to the "Handy Hints" section of the Checklist for Court Documents for guidance and instruction.

Personal Service

Unless CYFEA specifies otherwise or the Judge allows for a shorter period of service, notice of the nature, date, time and place of a hearing for any application made under CYFEA must be personally served on the following persons at least **five days** prior to a hearing per s.23:

- each guardian, including any who do not have custody,
- any child 12 years of age or older,
- any foster parent or kinship care provider who has continuously cared for the child for the six months prior to the hearing,
- any person who was caring for the child when the child was apprehended, if the child was in the continuous care of that person for more than six months immediately preceding the application.

As well as,

- a putative father, and
- any other person that is required in CYFEA or that the court indicates the director must serve.

Putative Father

A putative father is anyone who

- acknowledges paternity,
- has voluntarily provided care and support to the child, or
- has demonstrated an intention to treat the child as his.

If a putative father cannot be served, explain the reasons why and request that the court dispense with service on him.

If the birth father does not meet the criteria for a person who should be notified, be prepared to satisfy the court that the birth father, by his conduct, deprived himself of an absolute right to notice.

Persons Entitled to Make Representation

The following persons have the right to make representation to the court, per s.111(1):

- any current foster parent who has provided at least six months continuous care to the child,
- another person who has provided at least six months continuous care, and
- any other person who has the court's consent.

NOTE: Although these persons may appear and make representations to the court, **they are not parties** to a proceeding under Part 1, Division 3 or 4 or an appeal from that proceeding. Only the child, the guardian, the director and the Minister are parties to these proceedings per s.111(2).

Alternate Service

If the director has demonstrated that efforts at personal service have been made, and the court is satisfied that it is proper to do so, the court may grant per s.23(5):

- an order for service ex-juris, which allows the director to serve a person outside the province of Alberta,
- an order for service by registered mail, or
- an order for another form of substitutional service, such as advertising.

Dispensing with Service

If it is not possible to serve the person at all, because the person cannot be located, a request may be made to the court to dispense with service on that person.

The court has the ability to dispense with service on any party except the director per s.23(5)(f) or s.23(6)(c).

Consent

If the guardian or a child 12 years of age or older is consenting to the court application, complete the appropriate consent form:

- Consent by a Child 12 Years of Age or Older [CS1612]
- Consent by a Guardian [CS1613]

NOTE: If a guardian indicates a desire to consent to an application for a court order, and the guardian has retained legal representation, advise the guardian to consult with their lawyer prior to signing a consent form. If the guardian insists on signing without their lawyer, the consent may still be accepted. Ensure that this is documented on a contact note and/or the contact log.

Even if a guardian signs consent with respect to a court application, it is ultimately for the court to decide whether to accept the consent. Sometimes the court will require the guardian to attend in person to provide their consent on the court record notwithstanding that the guardian has signed a written consent.

When dealing with a guardian who is transient and difficult to locate, caseworkers should be prepared to speak to these facts if the court asks as to the circumstances under which the consent was executed. Caseworkers should always be in a position to speak to the circumstances surrounding the execution of the written consent.

Preparing Others for the Hearing

The child, the guardian and the caregiver or placement provider all need to be prepared for the hearing. At minimum:

- discuss the information included in the notice,
- discuss the proposed plans and the recommendations that will be presented in court,
- describe the purpose, nature and possible results of the hearing,
- explain the legal effects of the proposed order, and
- explain that the court may make a different order from the one that has been requested.

NOTE: Ensure that the child is aware of their procedural right to request the advocacy services of the OCYA.

If the child or the guardian will be attending the hearing:

- Ensure that the child or guardian is aware of the right to legal counsel.
    - Make the appropriate referral for a child to the LRCY service.

  - Provide the guardian with the contact information for the closest Legal Aid Society office.
- If the child or guardian requires an interpreter but cannot supply one, make a request to the clerk of the court as far in advance of the hearing as possible, to arrange for an appropriate interpreter.

Interested Persons

A person who expresses interest in proceedings or disposition may request the court's consent to appear and make representation under s.111(b).

Evidence

Disclosure

When the director files a court application, the guardians, the child, or any other person who is granted party status, is entitled to receive a copy of the entire Human Services file.

The file MUST be vetted by a lawyer prior to sending anything out. The files are vetted to ensure the privacy provisions of both CYFEA and the *Freedom of Information and Protection of Privacy Act* are met. To protect from inadvertently breaching the privacy provisions of either Act remember the following:

- Always have a lawyer vet the file
- Never provide disclosure directly to any party or that party's lawyer
- All disclosure should be provided through your lawyer.

Never reveal a reporting source. A reporting source is someone who reports to the director that a child may be in need of intervention, regardless if they are the original reporting source or a collateral contact. If you are asked by anyone to reveal a reporting source (even a judge or a police officer) you must refuse and refer the person to s.126.1. If they insist, advise them that you need to consult with your lawyer.

If you receive a request for file information for a criminal matter or a civil matter other than an application under CYFEA, do not release any information and contact your lawyer immediately.

Preparing Evidence

- Consider what information, including documents and records, could be provided by:
  - each person who has knowledge of the matter,
  - each person who has provided a service to the child, and

  - any other person who could contribute to the disposition.
- Ensure that all necessary documents, including affidavits and consents are accurate and ready for the court and have been appropriately vetted for disclosure.
- Ensure that a court report is completed, as regionally required, for submission to the court as an exhibit.

Confidential Evidence

S.109 provides for the court to subpoena confidential information from

- a board under the *Hospitals Act*,
- a board, under the *Mental Health Act*, or the board's designate, or
- the Chief Medical Officer under the *Public Health Act*, or the Chief Medical Officer's designate

in the form of documents, records or other information that the person has in the person's possession or control that may relate to the proceedings with regard to a child.

A subpoena is necessary when the evidence is deemed confidential information under another Act and the person having the information is restricted from disclosing it. If confidential evidence is required:

- Apply to the clerk of the court for a subpoena. Describe to the clerk the nature of the confidential information.
- Examine, or have the lawyer examine, the information prior to the hearing.
- If any of the information will assist a disposition, apply to the court to have it admitted as evidence.

Presenting Evidence at the Hearing

When called to present a case to the court, several types of information must be shared with the court:

- Provide the court with your name and position of employment.
- Provide the court with evidence of having delegated duties and powers from the director.
- Identify for the court:
  - the child's name and date of birth,
  - the full name (including maiden name) and date of birth for each guardian,
  - any parties to the hearing that are not present in the court room, and

  - what application is being addressed by the hearing.
- If the child is over 12 years of age and not present, explain the reasons to the court.
- If any witness is not present, request an adjournment or a subpoena.
- Ensure that any request to exclude a person from the hearing has been made.
- Present all documents and exhibits in the format accepted by the court.
- Present all the evidence to support the application.
- If relevant, present recommendations for the terms of the requested order.
- Answer questions asked by the judge, a representing lawyer or the guardian.

Witnesses

- Determine which witnesses will assist in presenting the position of the director. Ensure that every needed witness is available for the hearing.
- Have any witness subpoenaed if requested by the lawyer or if the witness indicates that appearing will not be possible otherwise.
- If a witness needs an interpreter but cannot supply one, make a request to the clerk of the court as far in advance of the hearing as possible, to arrange for an appropriate interpreter.

Expert Witnesses

An expert witness gives evidence based on skill or knowledge obtained through training and experience in a field. When calling an expert witness,

- If the director engaged the witness, negotiate the witness fee according to the rates for that profession set by the director.
- If the director did not involve the witness in the matter, pay according to the Fees and Expenses for Witnesses and Interpreters Regulation.

Evidence of Age

If the court requires evidence other that the guardian's testimony regarding the age of the child, obtain the child's registration of live birth.

Exclusion from Hearing

Hearings are open to the public; s.24 allows the court to exclude any or all persons except a director and the representing lawyers. Any party (including the caseworker, the child, or the child's guardian) may make an application to the court to exclude the child, the guardian or the public from hearings under Division 1 of CYFEA. The court determines whether to grant the application. At the outset of each hearing, the judge will inform all parties about their right to apply to have any person excluded.

Prior to the hearing consider whether any person should be excluded because:

- The information presented may be seriously injurious or seriously prejudicial to the child, or
- It would be in the interests of
  - public morals,
  - the maintenance of order, or
  - the proper administration of justice.

Where the director is of the opinion that a person should be excluded, evidence is needed to support the application and must demonstrate how the information presented may be seriously injurious or seriously prejudicial to the child, or contrary to public interest. If applying to exclude:

- Make a request that the court exclude that person.
- Provide evidence to support the request.
- Explain why that person is unnecessary to the proceedings.

If the director is of the opinion that the child should not be present, recommend to the court that legal representation be appointed for the child under s.112.

Indian Child

If the director has reason to believe that a child is an Indian and a member of a band, involve the First Nations designate per s.67, s.107 and/or the First Nation designate policy.

If an Aboriginal child or guardian could be assisted by an Aboriginal lawyer, spokesperson, interpreter or counsellor, assist the child or guardian to obtain such a resource, if they are interested. If such a resource is not available, obtain a resource recognized by the Aboriginal community.

After the Hearing

Order

If the court makes an order:

- Obtain copies of the order (court form).
- Provide a copy to the guardian.
- Provide a copy of any supervision or guardianship order to the First Nations designate within 20 days per s.107(3) and 107(4), if applicable.

NOTE: Per s.107(4), a copy of a supervision order shall not be provided to the person designated by the band with respect to an Indian child if the guardian of the child has not first consented to the involvement of the designate.

- Carry out the terms of the order immediately. Full compliance with court orders is **mandatory** and must occur promptly.

Decision

If the decision of the court conflicts with CYFEA or the regulation, immediately notify and consult with legal counsel.

Child and Guardian

If the child or guardian does not have a lawyer, and is capable of understanding, as soon as possible after the hearing:

- explain the effect of the court order or outcome of the hearing, and ensure that each understands the decision of the court,
- advise each about the right to appeal under s.114 or to apply for a stay of execution of an order under s.115, if applicable.
- if the court granted a SO or TGO, advise each about the right to apply for a review of an order after the 30 day appeal period expires,
- ensure that each knows the roles and rights of each party under the order,
- assist the child in accessing LRCY and provide the guardian with the contact information for the nearest Legal Aid office or the toll free telephone number for the Law Society to answer legal questions regarding the order.
- Do not provide legal advice to the child or the guardian.

Placement

If the child's placement changes as a result of an order, move the child as soon as possible.

Recording

Record the following on Contact Notes [CS0072] and /or the contact log:

- the result of the hearing,
- any conversations with the child and/or guardian regarding the results of the hearing and the effect of any order that is granted, and
- any placement change that is necessary and planning to accomplish the move.

Update the legal authority and any placement changes in the electronic information system.

Court Etiquette

The courtroom is a formal environment with some basic rules of etiquette to follow as a representative of the director and the Ministry.

- Dress professionally. This means no jeans, shorts, tee-shirts, hats or flip-flops.
- Stand up when the Judge enters and exits the court room, and remain standing until given leave to sit by the Judge or clerk of the court.
- When entering or leaving the courtroom while it is in session (i.e. the Judge is on the bench), face and bow to the Judge.
- Always request your testimony be sworn/affirmed **or** submit documentary evidence as an Exhibit before the court, even if the guardian consents to the application.
- When on the witness stand:
    - Be prepared to swear an oath or give an affirmation prior to giving testimony.
    - If addressing the Judge directly, use either "Sir" or "Madam."
    - Speak slowly, clearly and loudly enough to be heard.
    - Refer to adult parties by their last name, preceded by Mr., Mrs., Ms or Miss.
    - Think carefully about responses to questions by representing lawyers or the Judge, and answer factually.
    - Reply with "yes" or "no."
    - Ask for a break or water if it is necessary.
    - Do not chew gum.
    - Do not swear.
    - Do not express an opinion unless directly asked by the Judge.
- Ensure cell phones are turned off, not just on vibration or silent mode.
- Advise children and guardians who may attend court about appropriate attire and etiquette. If they do not have business or "dressy" attire, indicate that clothing should be clean with no visible tears or holes, that hats are not acceptable, and that their cell phones must be turned off. Let families know that they do not need to bow to the Judge.

Related Information

1.4.3 Appeals to the Court of Queen's Bench – Director as Respondent
1.4.4 Appeals to the Court of Queen's Bench – Director as Appellant
2.1.1 First Nations Designate
5.3.1 Apprehensions
5.3.2 Supervision Orders
5.3.3 Temporary Guardianship Orders
5.3.4 Permanent Guardianship Orders
5.4.1 Accessing Secure Services via a Secure Services Order
8.1.0 Legal Representation Overview
8.1.1 Legal Representation for the Director
8.1.2 Legal Representation for Children and Youth
8.1.3 Legal Representation for a Guardian

Fees and Expenses for Witnesses and Interpreters Regulation

Contact Notes [CS0072]
Affidavit of Service [CS0508]
Affidavit of Service by Registered Mail [CS1638]
Affidavit of Caseworker [CS2648]
Consent by a Child 12 Years of Age or Older [CS1612]
Consent by Guardian [CS1613]

Checklist for Court Documents
Children and Young People have Rights (12 years and older)
Children Have Rights (11 years and younger)

To report a broken link click here.

Section: **5.6 Child Support Agreements and Orders**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 9

Policy

Discuss child support payments with the parent when pursuing any of the following legal authorities:

- enhancement agreement with youth
- custody agreement with a guardian
- custody agreement with youth
- temporary guardianship order
- permanent guardianship order

Based on the parent's ability to provide supports, enter into a child support agreement or apply for a child support order.

NOTE: The term "parent" is used in this policy to reflect the use of the term in Division 7 of CYFEA.

Purpose

Under CYFEA parents have a responsibility to provide financial support for their child when the child is in the custody or guardianship of the director or receiving enhancement services.

The director may enter into a child support agreement per s.57.4, or apply for a child support order, per s.57.5, requiring any or all of the parents of a child to provide child support if:

- the child is in the custody of the director or the subject of a temporary guardianship order or a permanent guardianship agreement or order, or
- the director has entered into an enhancement agreement or a custody agreement with the youth, per s.57.2.

Parents may make a contribution towards the financial support of their child through:

- monetary payments to support the child,
- contributions in kind that may include direct payment for goods or services; e.g. health care payments, school fees, or
- non-monetary contributions towards the child's care; e.g. providing drivers for the child, supplying food during visits, providing clothes.

Procedures

When discussing financial child support and/or contributions in kind with the parent, consider:

- the needs of the child receiving services,
- the parent's income and financial situation,
- the needs of other children that may remain in the parent's care,
- the anticipated length of time the child will be receiving intervention services,
- the visitation schedule and the parent's expenses relating to the care of the child while at home, e.g. meals, travel.

When discussing child support arrangements also consider the following:

- Request retroactive child support payments from the time the child first came into the care and custody of the director, particularly when the child may be in care longer than anticipated or there is a significant change in the income level of the parent.
- If the parent has medical or dental insurance, request coverage in full, or up to the amount covered by the parent's plan.

NOTE: Consult with the casework supervisor before making the above requests to the parent.

In cases where the parents are separated or divorced:

- Inquire whether there is an existing child support order and obtain a copy of this order.
- If the parent(s) are either unable or unwilling to provide or produce a copy, obtain a copy of the order by conducting a search at the Court of Queen's Bench in Edmonton or other court house in Alberta, where the order was granted.

NOTE: The Maintenance Enforcement Program (MEP) generally registers agreements or orders at the Court of Queen's Bench at Edmonton; however, some orders or agreements may be registered at other courts in Alberta depending on where the order was granted.

- If there is an existing order or agreement for child support which is enforced through the Maintenance Enforcement Program (MEP), provide a copy of any CYFEA orders or agreements to MEP, when requested by MEP.
- If there is an existing order registered with MEP that is redirectable, a decision will need to be made whether to use this order to secure financial contributions from the parent or to obtain a new CYFEA child support order or agreement for either a different amount or different terms to the order or agreement.
- When obtaining a child support order or agreement for financial contributions, it can only have one parent named to make payments, as MEP can only enforce an order or agreement against one payor.

NOTE: MEP receives file information from Human Services on a monthly basis and automatically redirects maintenance payments to the CFSA when an existing order, that is redirectable, has been registered with MEP. A copy of the legal authority order or agreement will be needed by MEP to either support the redirection of the child support to the CFSA, or to terminate child support if the child support order or agreement registered with MEP is not redirectable.

DFNA Participation with MEP

Currently **DFNAs are not registered with MEP** for the collection of child support maintenance payments. A DFNA has the option to register an agreement or order with MEP; however, any funds redirected to the DFNA may impact the funding provided by Indian and Northern Affairs Canada (INAC).

Therefore the procedures related to registering an agreement or order with MEP applies primarily to CFSAs.

Disclosure of Financial Information and Determining a Parent's Ability to Contribute

S.57.8(1) allows for the director to make a request to a parent to disclose financial information for the purpose of providing child support.

- If a parent is unable or unwilling to provide financial information, the director may, per s.57.8(2), apply for an order to the court for financial disclosure.

- If a parent refuses to disclose financial information, the court may, per s.57.8(3), impute income to the parent as it considers appropriate upon hearing an application for child support.

To determine a parent's ability to contribute to child support:

- Complete and serve a Notice of Request for Financial Information [CS4027] and check only the appropriate items being requested that are relevant to this particular parent.
- Advise the parent that if they fail to comply with the request for information, within 30 days, an application for a court order to obtain financial information may be made.
- If the parent fails to comply with the request, complete, file and serve a Notice and Application for an Order for Financial Disclosure [CS4033], upon consultation with a casework supervisor and legal counsel or Legal Services Branch.
- Once financial information has been received, and it is clear from the documentation received what the income level is, negotiate a support agreement based on Appendix 1 – Federal Child Support Amounts – Simplified Table – Alberta Table.
- If it is not clear from the documentation what the parent's income is, consult with legal counsel for assistance in interpreting what the parent's actual income would be for the purpose of paying child support.

NOTE: It may also be appropriate to reach an agreement with the parent on a support amount without using the Federal Child Support Amounts – Simplified Table – Alberta Table to facilitate the reaching of an agreed amount of maintenance.

If the parent's ability to contribute is less than $50 per month or less than $300 for the duration of the Agreement **do not ask the parent to enter into an agreement and do not seek a court order**. Contributions in kind may be more appropriate in these situations.

If the parent's income is through Income Support or Assured Income for the Severely Handicapped (AISH) and if there is an existing redirectable support agreement or order that is registered with MEP, and has been redirected to the Ministry that administers the program, provide a written request to MEP to have the order or agreement redirected to the CFSA.

Negotiating an Agreement to Pay Child Support to a Director

When negotiating an agreement to pay child support:

- Ensure there is a financial ability to contribute on the part of the parent.

NOTE: If a parent is receiving AISH from Seniors and Community Supports, or Income Support payments from Employment and Immigration, they are required to notify those programs of their change of circumstances.

- Attempt to come to an agreement with the parent and only apply for a child support order when an agreement cannot be reached.
- Consult with legal counsel if the parent is represented by legal counsel.
- Explain to the parent that monetary child support payments will be collected through MEP.
- Explain to the parent that payments could also include the following:
    - any medical insurance coverage provided by the parent; e.g., dental care, Alberta Health Care, extended health care, special needs care items such as orthodontics,
    - a direct payment for items such as clothing, recreation, associated responsibilities such as transportation to appointments or activities, education costs, and psychological services costs, or
    - a direct one-time payment for an expenditure; e.g., purchase of sporting equipment, which may be in addition to the monthly payment.
- Negotiate the agreement and complete Agreement to Pay Child Support to a Director [CS3679]. Seek legal advice as required.
- Inform the parent that they are required to notify the caseworker if there are significant changes in their circumstances.
- Inform the parent that, if there is a change in the income level, the agreement may be re-negotiated.

NOTE: When parents reside together, their combined income must be reviewed. Request that both parents enter into an agreement and seek legal advice if this cannot be negotiated.

If the agreement is to be enforced by MEP, and if both parents are to contribute financially, there must be separate agreements for each of the parents: MEP can only collect against one payor (debtor) on each order or agreement.

Applying for a Child Support Order

In consultation with a casework supervisor, make an application for a child support order, per s.57.5 when an agreement regarding child support payments cannot be reached, and:

- Ensure there is a financial ability to contribute on the part of the parent.

- Consult with legal counsel before initiating the application and provide them with the following information:
    - details about family income as obtained through the Notice of Request for Financial Information [CS4027]
    - details about whether current support is being paid
    - if support is being paid, indicate the amounts and whether it is through a court order
    - if there is an existing child support order, obtain a copy of this order
- Have legal counsel advise if further information is required for the application.
- If the parents are unable or unwilling to provide the financial information, consider filing a Notice and Application for an Order for Financial Disclosure [CS4033].
- Complete, file and serve Notice and Application for Child Support Agreement [CS4029] and follow the procedures for making a court application.
- Per s.57.5(5), serve the notice on the parent at least five days before the hearing.

Registering a Child Support Agreement or Order with MEP

Immediately upon receiving a child support order or a child support agreement (where a monetary contribution is to be made):

- Complete and submit the MEP Creditor Registration Information [J1532] to MEP.
- Forward a copy of the Child Support Order or Agreement to the CFSA Finance Officer or regional MEP contact person.
- Provide a copy of the MEP Creditor Registration Information package to the CFSA Finance Officer or regional MEP contact person.

When completing the Creditor Registration Information package:

- Identify the CFSA as the creditor and indicate the Business Unit, CFSA name and MEP Party Number. (Contact the regional finance officer for these details.)
- Ensure that all the children identified on the support order or agreement are listed.
- For the debtor information, provide, at a minimum, the full name, address, date of birth, and social insurance number of the debtor.
- Complete the Calculation of Arrears if there are arrears to be collected.

Include a copy of the CYFEA legal authority order or agreement and a memo describing any details the maintenance enforcement worker should consider when collecting the child support payment.

Since MEP files all creditor registrations with the Court of Queen's Bench, each child support order and agreement becomes a judgment of that court. An order or agreement must be either collected as is or terminated.

Advise the parent that the child support order or agreement will be filed with the Court of Queen's Bench, and as such all orders or agreements must be collected, as is or terminated. Also advise the parent that:

- failure to meet the payments will result in enforcement action under MEP, and
- all payments are to be made payable to the Director of the Maintenance Enforcement Program.

Transfer of Child Support

Transfer the child support when:

- a private guardianship order or agreement is granted and the guardian wishes to have the child support transferred on an existing redirectable order or agreement in place with MEP, or
- the child returns to a parent's care (the creditor) and where child support was being paid by the other parent, and the parent (the creditor) once again has the child in their care and is entitled to receive child support payments through MEP.
- To transfer child support:
  - notify MEP using Notice to the Maintenance Enforcement Program that a Child has left a Director's Custody or Guardianship [CS3682] and request that the child support payments be redirected, and to whom, or
  - where a private guardianship order or agreement is granted, immediately provide a copy of the private guardianship order or agreement to MEP.

Timeframes of the Agreement (Agreement only)

When the child is receiving intervention services and when there is a change to the child's legal status, the Agreement to Pay Child Support to a Director [CS3679] cannot go beyond the length of the initial legal status.

Re-negotiate another child support agreement as a new legal authority is obtained. Determine if there have been changes to the financial circumstances for the parent and negotiate an agreement for the period of the new legal authority.

Termination of a Child Support Agreement or Order Registered with MEP

If a child support agreement or order is terminated prior to the expiration date, advise MEP stating why the termination is required and whether or not any remaining unpaid arrears are to be collected by MEP.

Changes in Family or Child's Situation

Apply for a new order or negotiate a new agreement if the family's situation changes, such as relocation, child turns 18, payor is incarcerated, loss of job, or other changes and provide new payor information to MEP.

A Child Leaving the Director's Care or Custody

Notify MEP using Notice to the Maintenance Enforcement Program that a Child has left a Director's Custody or Guardianship [CS3682] when a child has left a director's guardianship. Provide MEP with details about the child's circumstances, such as: whether the child has returned home, gained independence, is adopted or other circumstances.

Recording

Document the following on a contact note and/or contact log:

- all discussions with the parent about their ability to provide financial contributions or contributions in kind,
- decisions about the parent's ability to make contributions, including the decision to seek a child support agreement or a child support court order, and
- rationale for not seeking a child support agreement or order.

Complete the forms and recording as directed, place copies of the documentation on the file, and update the electronic information system as appropriate.

Related Information

5.5 Court Procedures

Family Law Act

Maintenance Enforcement Act

Agreement to Pay Child Support to a Director [CS3679]

Contact Note [CS0072]

MEP Creditor Registration Package [J1532]

Notice and Application for a Child Support Order [CS4029]

Notice and Application for an Order for Financial Disclosure [CS4033]

Notice of Request for Financial Information [CS4027]

Notice to the Maintenance Enforcement Program that a Child has left a Director's Custody or Guardianship [CS3682]

Request for Financial Information [J3511]

Checklist for Court Documents

Creditor Registration Package

Federal Child Support Amounts: Simplified Table (Alberta Table)

Federal Support Guidelines: Step by Step

Maintenance Enforcement Program website

To report a broken link click here.

Section: **5.7 Restraining Orders**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

A director may apply for a restraining order to prohibit a person from having contact, or associating in any way with a child.

Purpose

The court of Queen's Bench can grant a restraining order per s.30, to:

- restrain a person from living with a child, and/or
- restrain a person from contacting a child or associating with a child in any way.

Procedures

Apply for a restraining order **only** if the situation meets all the following criteria:

- The child has been:
  - apprehended, or
  - is the subject of a SO, TGO, PGO.
- It is believed that the person:
  - has physically or emotionally injured a child, or
  - has sexually abused a child, or
  - is likely to physically or emotionally injure a child, or
  - is likely to sexually abuse a child, or
  - has encouraged or is likely to encourage a child to engage in prostitution.
- Such an order is needed to protect the child.
- The abusing person is not willing to temporarily refrain from residing with or associating with the child during assessment or treatment,

- A non-abusing guardian is not willing or able to protect the child, and
- A non-abusing guardian is not willing or able to obtain an appropriate restricting or restraining order.

Consult with a casework supervisor and determine whether a restraining order is appropriate and whether to apply for one or both of the possible orders:

- restraining a person from residing with the child, or
- restraining a person from contacting or associating with the child.

Obtain legal counsel to assist in making the application.

Effect of a Restraining Order

- A restraining order can be granted for periods of not more than six months each.
- If a restraining order is granted against a guardian, the court may also order contributions, financial or otherwise, by that guardian for the maintenance of the child.
- A person who is restrained under a restraining order may apply to the court for a review of the order.
- Upon review of an order the court may continue, vary, or terminate the order.

Recording

Complete the court application and supporting documents at the direction of legal counsel.

Place copies of all court documents in the file.

Update the legal actions in the electronic information system.

Related Information

5.5 Court Procedures

8.1.1 Legal Representation for the Director

Section: **6.1 *Protection of Children Abusing Drugs Act* (PChAD)**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
	Page 1 of 8

Policy

The *Protection of Children Abusing Drugs Act* (PChAD) enables the guardian of a child who is abusing drugs to apply to the court for an apprehension and confinement order to confine a child in a protective safe house for **up to ten** days with a possible extension to a maximum of 15 days.

Alberta Health Services (AHS) administers this act and operates four protective safe houses in Alberta.

NOTE: Human Services caseworkers **do not have delegated authority under PChAD** and cannot provide services to children under this act. Caseworkers cannot assist in the execution of the apprehension and confinement order under PChAD, which includes transporting a child.

NOTE: A Protective Safe House under PChAD is **not** the same as a Protective Safe House under PSECA.

Purpose

The intent of this legislation is to provide:

- help to a child who is abusing drugs and who cannot help themselves,
- an avenue for guardians to help their child, when all other options for intervention and voluntary treatment have failed, and
- a response to a need expressed by guardians, addicted children, addictions counsellors, teachers and police officers.

Procedures

NOTE: The term **"CYFEA director"** is used throughout this policy in order to clarify whether the policy is referring to the statutory Director under CYFEA or the Director under PChAD.

Criteria for Accessing PChAD

- Only a guardian of a child may access PChAD services; therefore the CYFEA director may only access this legislation for a child with **temporary or permanent guardianship** status.
- Confinement under PChAD is an intrusive intervention that should only be considered after other options for intervention and voluntary treatment have been exhausted.
- Consult with AHS regarding available programs and services before making an application under PChAD.

Child's Rights under PChAD

As the child's guardian, it is important to know the child's rights under PChAD. When a child is confined in a protective safe house, AHS is responsible to advise the child of the following:

- their right to contact Legal Aid or a lawyer,
- the phone number for the nearest Legal Aid Office,
- the reason for their confinement,
- the duration of their confinement,
- their right to request a court review of the apprehension and confinement order and provide the child with a request for review form; and
- that if a request for review is filed with the court, it will be reviewed within one day.

Application for a PChAD Apprehension and Confinement Order by a CYFEA Director

To make an application for a PChAD apprehension and confinement order:

- Consult with the casework supervisor to determine that all other avenues of intervention services have been exhausted.
- Obtain approval from the casework supervisor before applying for a PChAD apprehension and confinement order.
- Complete the Notice and Application for an Apprehension and Confinement Order [AH2221].
- If there are safety issues anticipated, be sure to indicate on the notice and application that an order, under s.2 of PChAD, for one or both of the following is being sought:
    - **police assistance** in the apprehension and transportation of the child, and/or

  - **police authority to enter by force if necessary**.

- File the notice and application for an apprehension and confinement order with the court.
- Serve the notice and application for an apprehension and confinement order, within two days of the court hearing, as follows:
  - AHS at **1-888-844-5395** (service by phone is usually accepted), and
  - all other guardians (serve in person if possible).
- Complete the following affidavits and file them with the court:
  - Affidavit of Service to Alberta Alcohol and Drug Abuse Commission [AH2223].
  - Affidavit of Service to Other Guardian [AH2224].
- The court may waive service requirements and may exclude any person (other than a PChAD director or a child's lawyer, or the guardian's lawyer) from all or any part of the proceedings.

NOTE: All references to AADAC on the forms listed above should be taken to be a reference to Alberta Health Services (AHS).

Transporting a Child to a Protective Safe House

When an apprehension and confinement order is obtained:

- Contact AHS at **1-888-844-5395** to receive information regarding the location of the protective safe house.
- Contact the police to inform them of the order and request that they execute the apprehension and transport the child as ordered by the court.

Responsibilities during Confinement

When a child is confined under an apprehension and confinement order:

- Attend all court hearings and be involved in all aspects of case planning, coordination and service approval decisions.
- Plan for the discharge of the child with the AHS protective safe house staff at the earliest possible time, preferably at admission.

During confinement:

- the child may be detoxified,
- AHS will assess the child, and
- a treatment plan will be developed.

Upon discharge arrange for transportation and placement of the child.

Applications for an Apprehension and Confinement Order by a Guardian (other than the CYFEA director) where the Child has Intervention Services Involvement

Permanent Guardianship Agreement or Order

The CYFEA director is the sole guardian for the purpose of applying for an apprehension and confinement order under PChAD.

Temporary Guardianship Order

During temporary guardianship, the CYFEA director is a joint guardian. The child's other guardians can apply for an apprehension and confinement order and **must** notify the CYFEA director of the application.

When served, the CYFEA director shall attend the hearing and have a position to present to the court.

Consider referring the child to the Legal Representation for Children and Youth (LRCY) program for independent legal counsel.

Custody Agreement

Under a custody agreement, the child is in the CYFEA director's custody, but not under the CYFEA director's guardianship.

The guardian can apply for an apprehension and confinement order. Because the CYFEA director is not a guardian, the child's guardian is not required to notify the CYFEA director of the application.

A pre-application meeting is required for parents or guardians prior to making an application for a confinement order. If a guardian applies for and is granted an apprehension and confinement order, determine in discussion with the guardian, if the guardian is terminating the custody agreement, and explore other options available for the child. If unable to contact the guardian, consider the action of the guardian as terminating the custody agreement.

If the CYFEA director is aware of the court hearing and does not support a PChAD apprehension and confinement order:

- Determine whether there are still intervention needs requiring the child to be in the care of CYFEA director.
- If intervention needs are still present, consult with the casework supervisor and legal counsel as required to determine how intervention services will be provided.
- Close the file if the child is not in need of intervention.

If the caseworker supports the PChAD apprehension and confinement order, the custody agreement can remain in place.

Custody Orders – Interim and Initial

- Under a custody order the child is in the CYFEA director's custody, but not under the director's guardianship.
- The guardian can apply for an apprehension and confinement order. Because the CYFEA director is not a guardian, the child's guardian is not required to notify the director of the application.
- If a guardian applies for and is granted an apprehension and confinement order for a child under interim or initial custody status, and the CYFEA **director agrees** with this order the matter can proceed. Custody to the CYFEA director would be maintained.
- If a parent applies for and is granted a PChAD apprehension and confinement order for a child under interim or initial custody status and the CYFEA **director does not agree** with this order, s.39 of CYFEA supersedes the PChAD order.
- Should this happen, contact legal counsel immediately to determine the next course of action.
- Inform the placement where the child is residing that they may be required to relinquish custody to a police officer. Advise the placement provider to immediately contact the caseworker or the after hours number if this occurs.

Apprehension Order

- When a child is under an apprehension order, the guardian can apply for an apprehension and confinement order.
- Because the CYFEA director is not a guardian, the child's guardian is not required to notify the director of the application.
- If a guardian applies for and is granted an apprehension and confinement order for a child under apprehension status and the CYFEA **director is aware of and agrees** with this order, the matter can proceed and custody to the director would be maintained.
- If a PChAD order is made in regard to a child who is under the custody or guardianship of the CYFEA director, immediately consult with the supervisor and legal counsel for advice on how to proceed.
- Inform the placement where the child is residing that they may be required to relinquish custody to a police officer if an order is made. Advise the placement provider to immediately contact the caseworker or the after hours number if this occurs.

Family Enhancement Agreement

- The CYFEA director does not have custody or guardianship under a family enhancement agreement; therefore, the CYFEA director has no role and the guardian is not required to notify the CYFEA director.

Supervision Order

- If the child is the subject of a supervision order, determine if the confinement prevents the caseworker from complying with the terms of the supervision order.
- Consult with the casework supervisor and legal counsel to determine if a variation of the supervision order is required.

HS Involvement with the Court process

When a guardian's application for an apprehension and confinement order is before the court, and the child is receiving intervention services, and if the CYFEA director is aware of the application:

- Consult with the casework supervisor to determine if all other avenues of intervention have been exhausted in providing services.
- Where possible, meet with the guardian to determine if there are any other services, including AHS services and programs that can be provided to the child.

Involvement of the CYFEA Director in Applications for an Apprehension and Confinement Order under PChAD

When an application for PChAD apprehension and confinement order is initiated by a guardian (other than the CYFEA director) and there is no intervention involvement; or, intervention services are being provided but the CYFEA director is not a guardian:

- the CYFEA director is not a party to the proceedings and has **no role** in the proceedings,
- the CYFEA director shall not provide evidence at the hearing,
- the CYFEA director cannot assist in executing the order, including transporting a child, and
- there is no requirement by the guardian to notify the CYFEA director of the application.

NOTE: When a PChAD application is filed with the court, Court Services will make every effort to determine if there is Human Services involvement and, if so, will suggest that the applicant inform the CYFEA director before proceeding.

NOTE: If a CYFEA director wishes to provide evidence at a hearing where the CYFEA director does not have standing, the CYFEA director could seek standing before the court – consult with the casework supervisor and legal counsel to do so.

A CYFEA director could also be subpoenaed to provide evidence at a hearing.

When an application for a PChAD Order is filed where the child is receiving services and the CYFEA director is a guardian:

- the applicant must notify the CYFEA director, and
- the CYFEA director becomes a party to the hearing.

When the CYFEA director files and application under PChAD:

- the CYFEA director must notify other guardians of the child,
- and presents the matter to the court.

Discharge Referrals from AHS (PChAD)

- Upon discharge, treatment recommendations are shared with the parents and/or guardians.
- When a child who is not receiving intervention services, and is confined in a protective safe house, the assessment of the child may indicate that a referral to Human Services would be appropriate.
- Refer to the Case Management Protocol for Discharge Referrals from Alberta Health Services to CFSAs and DFNAs (Protocol for Discharge) regarding discharge referrals from AHS.

Contact Persons

- The Protocol for Discharge identifies PChAD contact persons for AHS and each CFSA and DFNA.
- The general contact number for AHS is **1-888-844-5395**.

Recording

A caseworker, casework supervisor and/or manager must thoroughly document any involvement with the PChAD program.

- Record on Contact Notes [CS0072] and/or the contact log:
  - all points of consultation, decision making and rationale for decisions,
  - all options that were considered prior to making an application for Apprehension and Confinement under the PChAD Act.

- Update legal authority actions and placement changes in the electronic information system.
- Place copies of the Notice and Application for an Apprehension and Confinement Order [AH2221] and all affidavits of service on the paper file.
- Place copies of any court orders on the paper file.

Related Information

3.1.1 Receiving Referrals

5.5 Court Procedures

Protection of Children Abusing Drugs Act

Contact Notes [CS0072]

The below forms are available at a court house or on the Alberta Courts website:

Affidavit of Service to Alberta Health Services [AH2223]

Affidavit of Service to Other Guardian [AH2224]

Notice and Application for an Apprehension and Confinement Order [AH2221]

Case Management Protocol for Alberta Health Services (AHS) Protection of Children Abusing Drugs (PChAD) and Alberta Human Services (HS) Child and Family Services Authorities (CFSAs) and Delegated First Nation Agencies (DFNAs)

To report a broken link click here.

Section:	**6.2 *Protection Against Family Violence Act* (PAFVA)**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011 Page 1 of 7

Policy

The *Protection Against Family Violence Act* (PAFVA) came into effect in 1999 and was amended in 2006 to provide timely protection remedies to the victims of family violence and to help prevent future family violence. PAFVA focuses on the protection of claimants and children, and is complimentary legislation to CYFEA.

Per s.3 of the Protection Against Family Violence Regulation, a Human Services caseworker who is delegated under the CYFEA is considered to be a designated person under PAFVA. A family can have involvement under both pieces of legislation at the same time.

Purpose

The purpose of PAFVA is to protect all family members from family violence with the assistance of a Protection Order and to support claimants and other family members to remain in the home where possible.

This legislation compliments CYFEA s.2(f) which states that whenever possible "intervention services should be provided to the family in a manner that supports the abused family members and prevents the need to remove the child from the custody of an abused family member".

Procedures

Definitions

There are several key definitions that are fundamental to understanding PAFVA.

Family Violence

- any intentional or reckless act or omission that causes injury or property damage and that intimidates or harms a family member,
- any act or threatened act that intimidates a family member by creating a reasonable fear of property damage or injury to a family member,

- forced confinement,
- sexual abuse, and
- stalking.

Family Members

- people who are related to each other by blood, marriage or adoption,
- people who are presently or who were married to one another, who are or who have been adult interdependent partners, or who are or were residing together in an intimate relationship,
- people who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time,
- children in the care and custody of individuals listed above, and
- people who reside together where one of the individuals has care and custody over the other pursuant to an order of the court.

Respondent

- The person responding to this claim, the person being accused of family violence.

Claimant

- The person making the application or claim, a victim of family violence.

Court Orders under PAFVA

PAFVA has three key tools to enhance protection:

- An Emergency Protection Order (EPO),
- Queen's Bench Protection Order (QBPO), and a
- Warrant Permitting Entry (WPE).

These orders do not replace criminal charges or the criminal process, but rather provide additional immediate protection to claimants of family violence.

Emergency Protection Order (EPO)

The purpose of an EPO is to provide immediate safety for victims of family violence by providing legal protection to victims. An EPO can be applied for and issued 24 hours a day at no cost and can be extended up to one year to provide longer term protection.

According to s.2(1) of PAFVA, the judge or justice of the peace (JP) must determine three things in order for an EPO to be granted:

- family violence has occurred between family members,
- the claimant has reason to believe the violence will resume or continue, and
- by seriousness or urgency, the EPO should be granted to provide immediate protection for the claimant and other family members who reside with the claimant.

Telephone Application Process

- In order to apply for an EPO by telephone, a caseworker must consult with their casework supervisor to review the required areas needed for an EPO and discuss implications of making an application on the behalf of a claimant.
- After approval has been given, the caseworker completes the Application for An Emergency Protection Order Checklist [PFVB 3880] as well as the Consent for an Emergency Protection Order [PFVB 3879].
- An EPO can be applied for by telephone by police officers and caseworkers 24 hours a day, 7 days a week by calling the Justice of the Peace at 1-800-661-1907.

In Person Process

An EPO can be applied for in person through the provincial court during regular court hours by the following individuals:

- victims of family violence (claimant);
- caseworkers;
- police officers; and,
- other persons on the claimant's behalf with "leave" of the court (extreme situations where the claimant cannot apply on their own due to age or incapacitation).

In order to apply in person for an EPO a caseworker must consult with their casework supervisor to review the requirements for an EPO and the process to support a claimant.

The applicant completes the Emergency Protection Order Application [CTS3556] and provides a sworn copy to the court clerk to be filed. The applicant then appears in front of a judge or JP where they may be requested to provide further verbal information.

In cases where a person other than the claimant applies for the order, the consent for an emergency protection order would be completed.

There are different community agencies and government departments that provide assistance to service providers and the public in making the EPO application; see your area's resources for more details.

Possible Conditions of an EPO

Possible conditions of an EPO include:

- restraining the respondent from attending at or near a specified place that is attended regularly by the claimant or other family members (residence or school for example),
- restraining the respondent from communicating with or contacting the claimant and other specified persons,
- granting the claimant and other family members exclusive occupation of the residence for a specified period of time,
- directing the police to remove the respondent from the residence,
- directing the police to accompany a specified person to the residence within a specified time to supervise the removal of personal belongings in order to ensure the protection of the claimant,
- directing the seizure and storage of weapons where the weapons have been used or threatened to be used to commit family violence, and
- any other provisions that the provincial court judge or JP considers necessary to provide for the immediate protection of the claimant.

Serving the respondent

While an EPO takes effect immediately upon granting, its provisions are enforceable when the respondent has actual notice of the EPO. The police will provide a copy of the EPO to the respondent.

Reviewing an EPO in Court of Queen's Bench

An EPO must be scheduled for a review in Court of Queen's Bench no later than nine working days after it is granted. At the review, whether the claimant or respondent is in attendance, the court may:

- confirm the EPO, in which the order becomes an Order of the Court of Queen's Bench,
- revoke or cancel the EPO, or
- replace the EPO with a Queen's Bench Protection Order.

The justice may direct that an oral hearing be held prior to making any determinations related to the EPO.

Caseworkers can attend the review hearing in a supportive role to the claimant. Caseworkers should consult with their casework supervisors regarding the process to support a claimant at a review hearing.

At the review hearing, legal aide duty counsel is provided free of charge for the claimant and respondent.

Queen's Bench Protection Order (QBPO)

A Queen's Bench Protection Order (QBPO) may be granted by a justice of the Court of Queen's Bench on application if the justice determines that the claimant has been the subject of domestic violence.

If the circumstances do not meet the "seriousness or urgency" criteria identified in PAFVA for an EPO, it is possible for the claimant to apply directly for a QBPO, and the respondent must be served with the notice of the application.

Caseworkers should consider discussing this option with victims of family violence where Human Services' involvement is ending as an additional safety measure for claimants as required.

A QBPO can be in effect for one year and then can be extended by the justice, if required and warranted, for further periods of up to one year.

Caseworkers **must** consult with their casework supervisor prior to making an application for a QBPO, and **must** contact the Social Enhancement Legal Team for assistance in this application.

Possible Conditions of a QBPO

A QBPO covers the same conditions as an EPO does, with the option of additional conditions:

- order reimbursement by the respondent to the claimant for loss of money or finances due to the family violence,
- decide who can temporarily possess personal property,
- order counselling for a respondent, and
- authorize counselling for a child without the consent of the respondent.

Serving the Respondent

If the respondent is not in court when the justice grants an Order, the claimant is responsible for arranging it to be served on the respondent. As the police are not required to serve the Queen's Bench Protection Order, although they may offer to, the use of a process server or third party will suffice.

An affidavit of service needs to be completed and filed regardless of who serves the documents. The order must also be registered with the police (completed by providing the police in your local area with a copy) by the claimant or the person assisting them.

Warrant Permitting Entry (WPE)

Only police officers are able to apply for a Warrant Permitting Entry (WPE).

A WPE allows a police officer to enter a location named in the warrant to search for, assist or examine a family member and, with their consent, remove a victim for their safety.

A WPE can be granted by a judge or JP over the phone.

Screening Aid for Family Violence (SAFV)

The Screening Aide for Family Violence (SAFV) is a tool intended to support caseworkers by providing nineteen structured questions that assist in determining the risk factors and the level of violence in the home. The SAFV is consistent with the Family Violence Investigative Report (FVIR), which is the tool utilised by policing agencies across the province.

The SAFV [PFVB3994] can be used at any point on an open file and is required where an incidence of family violence (or intimate partner violence) has occurred that meets the following criteria:

- Current and former dating relationships.
- Current and former common law relationships.
- Current and former married relationships.
- Persons who are the parents of one or more children, regardless of their marital status or whether they have lived together at any time.

Related Information

Protection Against Family Violence Act

Application for Emergency Protection Order Checklist [PFVB3880]
Consent for an Emergency Protection Order [PFVB3879]
Emergency Protection Order Application [CTS3556] or [J3556]
Screening Aid for Family Violence [PFVB3994]

To report a broken link click here.

Section: **6.3 *Drug-endangered Children Act* (DECA)**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

The director or the police may apprehend a drug-endangered child, as defined in s.1(2)(a-f) of DECA, under an apprehension order or, where there is imminent danger to the child, under an emergency apprehension.

NOTE: DECA explicitly gives specific duties and powers to the director. Per s.1(1)(c) of DECA, "director" means a director under CYFEA; the director's authority to delegate powers and duties under CYFEA extends to DECA. An individual who is delegated under CYFEA may also be delegated under DECA based on their level of delegation.

Purpose

DECA ensures the protection of children endangered as a result of a guardian's involvement in serious drug activity, most notably manufacturing and trafficking.

The intent of the legislation is to:

- Define who is a drug-endangered child and make it clear that a child exposed to serious drug activity is a victim of abuse and requires intervention.
- Provide the authority and guidance for caseworkers and police to take immediate action to protect a drug-endangered child.
- Raise public awareness of the significant risk to children exposed to drug manufacturing, trafficking and other serious drug activity.

Procedures

Criteria

A child is drug-endangered per DECA s.1(2)(a-f) if:

a) the guardian exposes the child or allows the child to be exposed to, ingest, inhale or have any contact with, a chemical or other substance that the guardian uses to illegally manufacture a drug,

b) the guardian illegally manufactures a drug in the presence of the child, or causes or allows the child to enter or remain in any place or premises where a drug is illegally manufactured or stored,

c) the guardian possesses a chemical or other substance with which the guardian intends to illegally manufacture a drug in a place or premises where a child resides,

d) the guardian exposes or allows the child to be exposed to an indoor cannabis grow operation, or to the process of extracting oil or resins from cannabis plants,

e) the guardian involves the child in or exposes the child to trafficking, or

f) the child has been, is being, or there is a substantial risk that the child will be, physically injured, emotionally injured or sexually abused because the guardian is exposing the child to other forms of illegal drug activity.

Intake

All reports of drug-endangered children are received and assessed under CYFEA during intake and recorded on an Intake [CS1872] **within 5 working days** from the date of referral.

Where DECA concerns are indicated at intake:

- Record the DECA reason for referral on the intake.
- Determine if an immediate response is required.
- Assess whether the situation may pose a threat to the assessing caseworker.
- Consult with a casework supervisor and complete a thorough review of the information gathered at intake and the analysis of safety factors.

Determine what action to take in consultation with a casework supervisor:

- **Close the intake** if the information **does not provide reasonable and probable grounds to believe** that the child may be drug-endangered per DECA or may be in need of intervention per CYFEA.

- **Refer the matter** for further assessment if the intake information provides reasonable and probable grounds to believe that the child **may be drug-endangered**.
- **Refer the matter** for further assessment if the information indicates that the child is **not drug-endangered** per DECA **however** provides grounds to believe that a child **may be in need of intervention** per CYFEA.
- Obtain casework supervisor approval of the completed intake.

For further information on intake phase, refer to the intake policy.

Consultation During Investigation

If during the safety phase, the information indicates that the child may be drug-endangered:

- Consult with a casework supervisor to determine what action to take and plan an appropriate response.
- Contact the police to coordinate a joint response. A residence where a drug-endangered child may be located has the potential to be a crime scene and may pose a threat to a caseworker.
- Have face-to-face contact with the child, siblings, the child's guardian and other caregivers, separate and alone as determined by the joint response plan with police.

Safety Phase

The investigation of a drug-endangered child is completed **within 10 working days** from the date of referral from intake under s.6(1) of CYFEA in the safety phase.

If the assessment information provides reasonable and probable grounds to believe that a child is **not drug-endangered and is not in need of intervention**:

- Make community referrals if appropriate or requested.
- End the safety phase.

If the assessment information provides reasonable and probable grounds to believe that a child is **not drug-endangered however** provides grounds to believe that a child **may be in need of intervention**:

- Proceed under CYFEA.
- Develop a safety plan to address the situation.
- Determine the new legal authority being pursued.

- End the safety phase, close the investigation and proceed to the ongoing case in the intervention phase.

If the assessment information indicates the **child is drug-endangered**:

- Make an application for a DECA apprehension order or if the child is at immediate risk, complete a DECA emergency apprehension.
- Complete the safety phase.
- Document the reason for the DECA apprehension per s.1(2)(a-f) of DECA in the Safety Assessment [CS3701].
- Proceed to the intervention services phase.
- Determine the subsequent legal authority being pursued.

For further information on the safety phase refer to the safety phase policy.

DECA Apprehension Procedures

Apprehending is an intrusive measure that sets in place a series of events requiring legal and casework attention:

- Ensure the child meets the criteria per s.1(2)(a-f) of DECA.
- Obtain approval from a casework supervisor prior to apprehending a child under DECA.
- Consider whether to include a request for entry by force.

In consultation with a casework supervisor determine:

- which section of DECA the apprehension will be executed under, and
- which type of apprehension will be used:
  - **Apprehension Order via court** – Apply in court for an apprehension order where possible. This method is reflective of best practice.
  - **Apprehension Order via telecommunication** – If it is impractical to appear in court, apply by telecommunication for an apprehension order.
  - **Emergency Apprehension** – If the director has reasonable and probable grounds to believe that the child's life, health or safety is seriously and imminently endangered because the child is drug endangered, apprehend the child under s.2(9) of DECA. (If there is opportunity to apply for an apprehension order via court or telecommunication, then the criteria for an emergency apprehension are not met.)

If the risk is such that calling a casework supervisor prior to the apprehension is not practical or the police have executed an apprehension prior to the director's involvement, consult with a casework supervisor as soon as possible following the apprehension.

For further information on how to make an application for an apprehension order or complete an emergency apprehension, refer to the apprehension policy.

- Complete the appropriate DECA forms, Application for Apprehension Order [DECA0001] or Facsimile of Apprehension Order [DECA0003].
- Provide evidence to the court per s.1(2)(a-f) of DECA.
- For further information on how to make court applications and court processes, refer to the court procedures policy.

Executing a DECA Apprehension and Safety Precautions

It is essential to coordinate the response with police, as apprehending from a residence where serious drug activity is taking place is potentially dangerous and the residence may be considered a crime scene.

When apprehending a drug-endangered child:

- Develop a safety plan in consultation with a casework supervisor prior to executing the order that provides for the safety of those involved in the apprehension, including the child and any other persons who may be present.
- Request police assistance in the execution of the apprehension if safety concerns are present.
- Have the police execute the apprehension in cases where the drug-endangered child is in a residence where it may be unsafe to enter, for example, a meth lab.
- **Do not** gather any of the child's belongings if a child is apprehended from a residence used to manufacture drugs as there may be a risk of contamination.
- Take physical custody of the child.
- Ensure the child is provided with a change of clothing as soon as possible if the child is apprehended from a residence used to manufacture drugs.
- Bag and label the child's clothing using universal precautions.
- Contact the appropriate policing agency to request assistance with disposal of the clothing after the child has been placed. Provide the clothing to the police if requested; analysis of the clothing may be necessary for use in evidence in either child protection proceedings or a criminal prosecution.

Notice of Apprehension

Notify the guardian of the apprehension orally or in writing as soon as possible after the apprehension has been executed. All notices **must** include a statement of the reasons for the apprehension and the telephone number of the nearest Legal Aid Alberta office.

- Wherever possible, notify all guardians using a Notice of Apprehension [CS1629].
- Place a copy of the notice of apprehension on the child's file.
- Inform the guardian that if the child is not returned within 2 days from the date of apprehension, the child is deemed to have been apprehended under s.19 of CYFEA.

Medical Need

Children exposed to chemicals used in manufacturing drugs must receive a medical examination as the toxicity of the chemicals poses a health risk to them.

If the child requires medical care, seek care as soon as possible. Complete the Letter to Doctor from Caseworker re: Child's Exam [CS2825] identifying the environment the child has been exposed to and whether or not toxicity screens are necessary.

Placement

In addition to the placement procedures outlined in Section 7.3 of the Enhancement Policy Manual – Intervention, advise the placement provider:

- the child should be bathed or showered immediately, and
- of the need for medical care and follow-up. If the child did not receive a medical examination prior to placement, provide the placement provider with the completed medical referral to ensure communication of the child's drug endangerment to medical personnel.

Return of the Child

If the child may be safely returned to the guardian within two days of the DECA apprehension discuss the circumstances with a casework supervisor including:

- the current situation of the guardian and their involvement in the events leading to the apprehension,
- the rationale for determining that the child is no longer drug-endangered, and
- the safety plan established with the guardian to reduce the likelihood of further endangerment and any need for continued involvement under CYFEA.

Record on a contact note and/or contact log the consultation with a casework supervisor and the change in circumstances that made the child's return possible.

If the plan to return is supported by a casework supervisor:

- Return the child to the guardian.
- Advise the guardian of any medical follow-up or other appointments that are required.
- Advise the guardian of further CYFEA involvement or community referrals as necessary.

NOTE: A court application is not required if the child is returned within two days.

Deemed Apprehended

If a child is apprehended under DECA and is **not returned** to their guardian within two days from the date of apprehension, the child **is deemed to have been apprehended under s.19 of CYFEA**.

Ensure that:

- the legal status on the electronic record is a **DECA Apprehension or Emergency Apprehension**,
- the start date of the apprehension under CYFEA **is the same as** the start date of the DECA apprehension,
- all subsequent activities are completed under CYFEA, and
- all subsequent court applications are made under s.21(1) of CYFEA.

Counting Days

Calculating the number of days that a child is apprehended is **the same** as under CYFEA:

- If you **return the child within two days, exclude** the day of apprehension, weekends and holidays. Include the day the child is returned. For example: if a child is apprehended on a Friday of a long weekend the two days would **not include** the Friday, Saturday, Sunday or Monday; the child would have to be returned on the Wednesday or an application must be made under CYFEA.
- Calculating the number of days that an application after apprehension must be heard in court is the **same as CYFEA**.
- If the child is **not returned within two days exclude** the day of apprehension and include all other days.

The following chart may be used as a guide to determine the final day that an application following apprehension can be heard in court:

Day of Apprehension under DECA	Application for court order under CYFEA
Monday	The following week Thursday
Tuesday	The following week Friday
Wednesday	The following week Friday
Thursday	The following week Friday
Friday	The following week Monday
Saturday	The following week Tuesday
Sunday	The following week Wednesday

If there is a date when the court is not sitting, the application must be heard prior to the date on the chart.

Recording

The caseworker, casework supervisor and/or manager must record all the activities involved with the apprehension.

Ensure that all contacts, points of consultation, decisions and rationale for decisions are documented on the appropriate assessment records, contact notes and/or in the contact log as appropriate and placed on the child's file.

Complete all appropriate electronic record entries including assessment records, legal authorities and placements.

Related Information

3.1.2 Intake
3.1.3 Safety Phase
5.3.1 Apprehensions
5.5 Court Procedures
7.3 Placement
9.1.3 Medical Care
Appendix A-2 Delegation Schedule

Controlled Drugs and Substances Act
Drug-endangered Children Act
Drug-endangered Children Regulation

Application for Apprehension Order [DECA0001]
Contact Notes [CS0072]
Facsimile of Apprehension Order [DECA0003]
Letter to Doctor from Caseworker re: Child's Exam [CS2825]
Notice of Apprehension [CS1629]
Safety Assessment [CS3701]
Screening [CS1872]

Section: **6.4 *Protection of Sexually Exploited Children Act* (PSECA)**	Issue Date: October 1, 2011
Subsection:	Revision Date: July 22, 2014
	Page 1 of 2

Overview

The *Protection of Sexually Exploited Children Act* (PSECA) is provincial legislation that recognizes that a child who is sexually exploited is a victim of sexual abuse. The Act allows for the protection and provision of specialized services to children who are sexually exploited through their involvement in prostitution.

PSECA defines a child in need of protection as follows:

> *s.1(2) For the purposes of this Act, a child is in need of protection if the child is sexually exploited because the child is engaging in prostitution or attempting to engage in prostitution.*

NOTE: PSECA explicitly gives specific duties and powers to the director. Per s.1(1)(c) of PSECA, "director" means a director under CYFEA; the director's ability to delegate powers and duties under CYFEA extends to PSECA. An individual who is delegated under CYFEA may also be delegated under PSECA based on their level of delegation.

PSECA allows a guardian or a child 16 years of age or older to enter into a Voluntary Service Agreement (VSA) in order to receive support services. Voluntary services are provided under VSAs through community based programs, which may be residential or non-residential in nature, and are designed to assist a child with successful exit from sexual exploitation. A child who received services under PSECA prior to their 18th birthday may receive services under a VSA up to the age of 24.

When a guardian and/or child 16 years of age or older is unwilling to enter into a VSA or when it is determined that a VSA will not meet the safety needs of the child, PSECA also allows police officers and delegated caseworkers to apprehend sexually exploited children. Children who are apprehended can be confined under a confinement order in a protective safehouse by a director for stabilization and assessment.

All procedures and policies specific to PSECA are located in the Protection of Sexually Exploited Children Policy Manual.

Related Information

3.1.2 Intake

Appendix A-2 Delegation Schedule

PSECA Manual

Post 18 Voluntary Services Agreement (CSE0020)

Protection of Sexually Exploited Children Act (PSECA)

Protection of Sexually Exploited Children Regulation

Court Forms and Procedures Regulation (PSECA)

To report a broken link click here.

Section: **6.5 *Youth Criminal Justice Act***	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
	Page 1 of 2

Policy

Information recorded on a child's intervention record pertaining to a child's involvement with the *Youth Criminal Justice Act* (YCJA) must be managed in accordance with the YCJA.

Purpose

Information regarding a child's involvement with the YCJA **must not** be disclosed except in accordance with the YCJA.

Procedures

When recording information about a child's involvement with the YCJA, complete the following:

- Record Information, on Contact Notes [CS0072] and/or in the contact log.
- Record the information on the electronic information system by checking the box titled "YCJA involvement" on the Person Home Page.
- Create an alert on the electronic information system.
  - The alert category is "Information" and the alert type is "YCJA Information".
  - The text of the alert should state

    "**This case contains *Youth Criminal Justice Act* information and this information may not be disclosed except in accordance with the *Youth Criminal Justice Act*.**"
- Affix a red label or a label with the text in red font, to the front of the child's paper file.
  - The label should read:

    "**This case contains *Youth Criminal Justice Act* information and this information may not be disclosed except in accordance with the *Youth Criminal Justice Act*.**"

Related Information

3.1.1 Receiving Referrals

Youth Criminal Justice Act

Contact Notes [CS0072]

Youth Criminal Justice Protocol

To report a broken link click here.

Section:	**7.1 General**	Issue Date: October 1, 2011
Subsection:	**7.1.1 Case Conference**	Revision Date: October 1, 2011 Page 1 of 2

Policy

A case conference **must** be held within 45 working days from the end of the safety phase to review the assessment, case analysis and service plan.

Case conferences will continue to be held throughout the provision of services to the child and family including at review and decision points, changes in service/circumstances, removal from placement, transfer or closure of file.

Purpose

A case conference is a joint meeting between the child and/or family, service providers and caseworker to review the assessment, case analysis, and jointly plan for the child. It adopts a multi-disciplinary approach to addressing the child's needs, enhancing family capacity, ensuring appropriate service provision and achieving the best outcomes for the child.

Procedures

Caseworkers can use different formats including family group conferencing, Success in Schools core team meetings, family circles or other approaches to meet the case conference requirement. Once the format has been agreed:

- Identify who to invite to the case conference:
  - child, if age and developmentally appropriate
  - guardian
  - assessor, casework supervisor, caseworker
  - current caregiver for child
  - current and past service providers
  - First Nations designate or Métis resource, if appropriate
  - an Advocate from the OCYA, if applicable.

- Prepare the guardian, and child if attending, for the case conference, explaining who will be attending, the format and how to contribute.
- Encourage the guardian and child if attending, to have a support person accompany them to the case conference.
- Locate a suitable venue.

At the case conference:

- Agree on an agenda and select a chairperson for the meeting.
- Ensure all attendees get an opportunity to contribute.
- Review the current service plan.
- Agree to the next steps to be taken.

Recording

Ensure that the details and outcome of the case conference are recorded on Contact Notes [CS0072] and/or the contact log, the service plan updated and provided to the parties to the plan, and a signed copy placed on the file.

Related Information

2.1.1 First Nations Designate

2.2.1 Métis Resource

Contact Notes [CS0072]

Section:	**7.1 General**	Issue Date: October 1, 2011
Subsection:	**7.1.2 Caseworker Contact**	Revision Date: October 1, 2011 Page 1 of 5

Policy

Regular and ongoing contact with the child, their guardian and/or the placement provider, as appropriate, **must** occur.

Purpose

By having regular, purposeful, on-going contact with a child, the guardian and the placement provider, the caseworker will be in a better position to ensure the safety and well-being of the child, to make informed decisions and to plan for the child.

Procedures

Contact Expectations

The minimum caseworker contact expectations are outlined below. There are two types of contact expectations:

- contact by telephone, and
- face-to-face contact.

In exceptional circumstances, and with the approval of the casework supervisor, a face-to face contact requirement may be met via videoconference.

All first contacts must occur face-to-face, in person, so that a caseworker can clearly identify the voice of the child, guardian or placement provider in contacts by telephone or videoconference.

NOTE: Ensure the residence of the child is also seen on a regular basis.

Minimum Contact Requirements by Legal Authority

Family Enhancement Agreement with Guardian or Custodian

Include in the family enhancement agreement, and the accompanying plan, contact that includes at least:

- one face-to-face contact with the child and guardian every three months, and
- one telephone contact per month with the child and guardian or custodian.

Enhancement Agreement with Youth

Include in the enhancement agreement, and transition to independence plan, contact that includes at least:

- one face-to-face contact with the youth every three months, and
- one telephone contact per month with the youth.

Supervision Order

Comply with the contact terms specified in the supervision order.

Where there are no terms regarding contact specified in the order, seek legal advice.

Custody Agreement with Guardian

Under a custody agreement with a guardian, have at least:

- one face-to-face contact with the child every three months,
- one telephone contact with the child each month,
- one face-to-face contact with the guardian every three months, and
- one telephone contact with the guardian each month.

Custody Agreement with Youth

Under a custody agreement with youth, have at least:

- one face-to-face contact with the youth every three months, and
- one telephone contact with the youth every month.

Temporary Guardianship Order

Comply with the contact terms as specified in the temporary guardianship order. Where there are no terms regarding contact specified in the order, have at least:

- one face-to-face contact with the child every three months,
- one telephone contact with the child per month,

- one face-to-face contact with the guardian every three months, and
- one telephone contact with the guardian per month.

Permanent Guardianship Order

During the first year a child is under permanent guardianship have at least:

- one face-to-face contact with the child every month. In an exceptional situation, a casework supervisor may approve a deviation from this schedule.

After the first year of guardianship have at least:

- one face-to-face contact with the child every three months, and
- one telephone contact with the child each month.

Contact with Placement Provider

Have face-to-face contact with the placement provider before placing a child. Under exceptional circumstances this contact may be by phone.

If the face-to-face contact with the placement provider does not occur prior to placement, the first face-to-face contact must occur:

- at the time of placement, or
- within 48 hours of the placement.

When a child is in a placement, have at least:

- one face-to-face contact with the placement provider every three months, and
- one telephone contact with the placement provider every month.

Contact with Child in a Placement

When a child is in a placement, have at least:

- one face-to-face contact with the child every three months. This face-to-face contact with the child must be alone, without the placement provider present if the child is school aged, and
- one telephone contact with the child every month.

Transferring a File

When a file is transferred, the new caseworker:

- Establishes contact with the child and guardian within five working days of a file being assigned.

- Has face-to-face contact with the child and guardian within five days if the family is considered high risk.

Recording

All contacts in the life of a case must be recorded on Contact Notes [CS0072] and/or in the contact log. When recording contacts, record the date of the contact and ensure to include:

- who was present, specify if the contact with the child was alone, and
- the location of the contact.

If the casework supervisor approved of meeting a face-to-face contact requirement by videoconference, record in the contact log:

- the exceptional circumstance,
- the caseworker supervisor's approval of meeting the face-to-face requirement in this manner, and
- the face-to-face contact that occurred by videoconference.

All face-to-face contacts must be reflected in the contact log of the electronic information system.

NOTE: Record on contact notes, and/or in the contact log, if the caseworker contact requirements were not met including the rationale (e.g. child was AWOL and whereabouts are unknown).

The recording of this information **does not** meet the caseworker contact requirements; it provides information about what was happening for the child during that period of time.

Related Information

4.2.1 Family Enhancement Plan

4.2.2 Supervision Order Plan

4.2.3 Concurrent Plan

4.2.4 Transition to Independence Plan

5.2.1 Family Enhancement Agreement with Guardian or Custodian

5.2.2 Enhancement Agreement with Youth

5.2.3 Custody Agreement with a Guardian

5.2.4 Custody Agreement with Youth

5.3.2 Supervision Orders

5.3.3 Temporary Guardianship Orders

5.3.4 Permanent Guardianship Orders

7.3.0 Placement Overview

Contact Notes [CS0072]

Section:	**7.1 General**	Issue Date: October 1, 2011
Subsection:	**7.1.3 Memory Book**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Start a memory book once a child has been in the care of the director for six months.

Purpose

A memory book is a collection of important information and mementos to create a record of a child's life while in the care of the director. Memory books can take the format of a scrapbook or photo album and are an important record of a child's life history.

Procedures

If a child has been in the care of the director for a period of six months, initiate the composition of a memory book.

- Request the placement provider to use an album or scrap book for storing memorabilia pertaining to the child. This will function as the "memory book".
- Ask the placement provider to maintain a collection of materials to store in the memory book. The placement provider should include as many of the following materials as possible:
  - pictures of family, placement providers, friends, places, special events,
  - letters and cards from significant people,
  - schoolwork and report cards,
  - awards and certificates,
  - descriptions of favourite foods, activities, friends, and
  - dates of special events and milestones.
- Ensure the memory book is maintained as long as the child is in the care of the director.

- Ensure the memory book accompanies the child through placement changes and permanency.
  - If appropriate, utilize the memory book to explain a permanency plan for the child.
- Ensure the memory book is provided to the child when they leave the care of the director.
  - Provide the memory book to the guardian if a child returning to their care is not age appropriate to receive the book.

Related Information

7.3.3 Casework Responsibilities During Placement

Chapter 7: Casework Responsibilities

Section:	**7.1 General**	Issue Date: October 1, 2011
Subsection:	**7.1.4 Infectious/Communicable Diseases**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

The health of the children in the director's care and their placement providers must be maintained.

Handle health information of children in the director's care and placement providers with sensitivity, respecting the confidential nature of the information.

Health information necessary to plan or provide services to the child, the child's family, or to plan or provide for the day to day care or education of the child may be disclosed per s.126(1)(a).

Purpose

Children may be exposed to or contract an infectious communicable disease prior to, or after, coming into the care of the director. Placement providers, their children or other children in a placement may be exposed to or contract an infectious/communicable disease.

Support, education and training may be required to manage the health risk to the child, placement provider or other children in the placement.

Procedures

Child Contracts or is Exposed to an Infectious/Communicable Disease

Should a child contract or be exposed to an infectious/communicable disease:

- Consult with the casework supervisor to determine:
  - who needs to be informed,
  - when to inform them,
  - what information needs to be disclosed, and
  - how the information will be disclosed.

- Inform the following:
  - the caseworker of every child in the placement,
  - the placement provider,
  - the support worker of the placement provider,
  - the guardian of the child, and
  - the school if the disease may be passed to other students.

Placement Provider Contracts or is Exposed to an Infectious/ Communicable Disease

Should a placement provider contract or be exposed to an infectious/ communicable disease, inform:

- the caseworker of every child in the placement, and
- the support worker of the placement provider.

Consult with the casework supervisor to determine whether the school, guardian or others may need to be informed that the child may have been exposed to an infectious/communicable disease.

Releasing Information

The decision to release information must balance the child or placement provider's right to privacy with public interest. When determining whether to release information, consider:

- the infected person's right to privacy,
- the nature of the infection,
- the risk of transmission to others,
- the section of legislation that would support the release of this personal information, and
- what information would be released.

Precautions

Ensure that placement providers are aware of everyday steps and universal precautions to protect their health and the health of children in their care.

Ensure placement providers are aware that they may also contact Health Link Alberta toll-free at 1-866-408-LINK (5465) or access the public Alberta Health and Wellness website for additional health related information.

Support

Alberta Health Services or a Medical Officer of Health may be contacted for consultation or additional information.

Provide any needed counselling and supports.

A placement provider caring for a child with an infectious disease may require:

- financial support
- information on the disease, community and/or health resources
- extra respite care

Recording

Record on Contact Notes [CS0072] and/or in the contact log any discussions, consultations and decisions that occur.

If information is disclosed record, on contact notes and/or in the contact log, what information was disclosed to whom and the rationale.

Record medical information in the medical folder of the electronic information system.

Related Information

Appendix D: Practice Supports

Contact Notes [CS0072]

Alberta Health

Alberta Health Services

Health Link

Public Health Agency of Canada

To report a broken link click here.

Section:	**7.2 Critical Situations**	Issue Date: October 1, 2011
Subsection:	**7.2.1 Alerts**	Revision Date: May 1, 2014 Page 1 of 4

Policy

Place an alert in the electronic information system when it is important to bring attention to a particular child, family or situation.

A Canada wide protection alert may be forwarded to other provinces and territories through the Ministry Inter-provincial Desk.

An expectant female alert may, in limited circumstances, be provided to specific hospitals with the statutory Director's approval.

Purpose

Alerts are used to:

- provide other worksites and after hours caseworkers with critical information, including the behaviour and reasons that a child or family member has posed a risk to self or others or has in the past exhibited violent behaviours towards Ministry staff, agency staff, or persons in positions of authority,
- inform other worksites or jurisdictions that a region's worksite has an open file and the child or family has left the region's jurisdiction with no forwarding address, or
- inform other worksites or jurisdictions that a report of a child in need of intervention has been received and the child or family left the region's jurisdiction before the risk to the child could be assessed.

Procedures

Alerts in the Electronic Information System

An alert can be placed on a **person** or a **provider** in the electronic information system. Alerts for providers would be used primarily for placement providers.

When it is determined, in consultation with a casework supervisor, that an alert is required, enter the alert in the electronic information system.

If the family or child cannot be located to investigate a reported concern, enter all the information that could be gathered in the electronic information system, close the intake, and indicate in the intake notes that the investigation could not be completed.

Review alerts quarterly, at the review date, and/or upon the closure of a case. Upon review, an alert can be end dated or the review date changed or the details of the alert updated.

An Alerts Summary, or an Alerts Report, can be viewed or printed.

Canada Wide Protection Alerts

To send a Canada Wide Protection Alert to other provinces or territories:

- obtain the Canada Wide Child Protection Alert template from the regional Inter-provincial Coordinator or the Ministry Inter-provincial contact,
- complete the template,
- complete any dates in the template by writing out the complete date (e.g. January 15, 2010),
- send the completed template by e-mail to the Ministry Inter-provincial contact, requesting distribution, and
- ensure that an alert has been entered in the electronic information system addressing the concern.

When receiving Canada Wide Protection Alerts:

- Forward the alert to the Ministry Inter-provincial contact or the regional Inter-provincial coordinator, who will post the alert on the electronic information system.

To cancel a Canada Wide Protection Alert:

- Send an e-mail to the regional Inter-provincial coordinator or the Ministry Inter-provincial contact, identifying the alert and the rationale for cancelling it and request that the alert be ended.
- If the originating province cancels the alert earlier than the expected end date, the Inter-provincial contact enters the end date on the electronic information system to close the alert.

NOTE: A history of all alerts for a person or a facility (active and closed) is maintained and can be viewed from the Alerts List page in the electronic information system.

Expectant Female Alerts

An expectant female alert that is to be forwarded to a hospital or other jurisdiction, must be justified by "reasonable and probable" grounds related to the capacity of the expectant female to provide adequate care when the child is born.

"Reasonable and probable" grounds can include, but are not limited to:

- prior involvement with intervention services, both as a child in need and as a custodial parent,
- a report of a child in need, or
- a report from another jurisdiction.

The **approval of the statutory Director is required** before an alert can be issued to a hospital or other jurisdiction.

Disclosure of Personal Information

Under s.4 of CYFEA, "Any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter to a director." The disclosure of personal information by the Ministry to hospitals or other jurisdictions as required is intended to provide hospitals with background information that could assist them to make a determination to report the child in need of intervention at birth.

The authority for disclosure of information to a hospital or other jurisdiction is provided by s.126(1) in accordance with section 40 of FOIP.

To initiate an expectant female alert, upon the receipt of an alert from another jurisdiction, or if there is reason to believe the child, when born, will be in need of intervention:

- Provide a memo to the worksite manager, requesting an Expectant Female Alert be issued and include the following in the request:
  - the name of the expectant female,
  - a description of what information you have that indicates the individual is pregnant (e.g. self-admission, medical confirmation),
  - a description of the "reasonable and probable" grounds to believe that the child, when born, would be in need of intervention,
  - the name of the hospital and the name of the individual at the hospital the information is to be released to, and
  - a description of the information that is intended to be disclosed.
- The manager will be required to forward the memo to the Child and Family Services Regional Director, or designate, or DNFA Director for their review.

- Upon review of the memo, and if in agreement with issuing the alert, the Child and Family Services Regional Director, or designate, or Delegated First Nations Agency Director will forward a request for disclosure of information, including the original memo, to the statutory Director, for a decision.
- The statutory Director will provide a written decision to the Child and Family Services Regional Director, or designate or Delegated First Nations Agency Director.
- Release information to the hospital only with the approval of the statutory Director.

The originating office is required to place all the relevant records in the appropriate paper file including the memo, the written approval, the decision of the statutory Director, and any record of any information disclosed.

This alert shall not be placed on the electronic information system.

Related Information

Freedom of Information and Privacy Act

Canada Wide Child Protection Alert template – available from the Ministry Inter-provincial Contact or the Regional Inter-provincial Coordinator

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories

To report a broken link click here.

Section:	**7.2 Critical Situations**	Issue Date: October 1, 2011
Subsection:	**7.2.2 Reporting a Death**	Revision Date: July 22, 2014 Page 1 of 5

Policy

The Statutory Director **must** be notified **immediately** of the death of a young person, which includes a child, youth, or young adult under the age of 24, under the guardianship or custody of the director or receiving services under CYFEA. If the director has permanent guardianship of a child and the child dies, the director is responsible for addressing

- The need for an autopsy, and
- Tissue and organ donation per s.42(1).

If the director has permanent or temporary guardianship of a child and the child dies, the director is responsible for addressing

- Funeral and burial arrangements per s.42(1)(2),

The Office of the Chief Medical Examiner **must** be notified when a child in the guardianship or custody of a director dies, in accordance with section 13 of the *Fatality Inquiries Act*.

Purpose

Human Services is mandated to provide services to children, youth and families in Alberta. When a death of a young person receiving services under the CYFEA occurs, it is crucial that the right people are informed as soon as possible to fulfill legislated responsibilities and be responsive to children, youth, young adults and their families.

A child who dies while receiving a designated service at the time of their death may lead to an investigation by the OCYA as indicated in the Child and Youth Advocate Act s.9(2)d, which includes a young adult under 22 years of age who entered into an SFAA.

Note: For the purposes of this policy, only incidents involving a young adult less than 22 years of age may be investigated by the OCYA.

Procedure

1. Immediately notify the Child and Family Services Regional Director/DFNA Director or designate upon hearing of a young person's death if the young person was in care or was receiving services under the CYFEA (including intake or assessment). The Child and Family Services Regional Director/DFNA Director or designate **must** immediately contact the Statutory Director.
2. If the child was under the guardianship or in the custody of the director, or a young adult is under an SFAA at the time of death, make every effort to notify the guardian and any person who ceased to be a guardian when guardianship was granted to the director.

3. The Child and Family Services Regional Director/DFNA Director or designate must immediately submit a Report of Death [CS0022] to the Statutory Director.

4. The Child and Family Services Regional Director/DFNA Director or designate immediately notifies the Office of the Chief Medical Examiner when a child in the guardianship or custody of the director dies. The notification must include a request to be informed if an autopsy is ordered by the Office of the Chief Medical Examiner, and to receive a copy of the autopsy report.

Request for Autopsy by Hospital

If the young person was not the subject of a PGO/PGA, refer hospital staff to the guardians for permission to complete an autopsy.

If the child was the subject of a PGO/PGA, the worksite manager:

- determines if an autopsy will violate a religious or cultural standard for the child,
- decides whether to consent, and
- informs the hospital of the decision.

If consenting, the worksite manager:

- completes a Consent by Director or Authorized Delegate [CS2047],
- sends a copy to the hospital,
- provides a copy for the file, and
- requests a copy of the complete autopsy and external examination report.

Request for Tissue and Organ Donation

If the young person was not the subject of a PGO/PGA, refer the hospital staff to the guardians.
If the child was the subject of a PGO/PGA:

- Determine if tissue and organ consent would violate a religious or cultural standard for the child.
- Consult, if possible, with any person who ceased to be a guardian when the PGO was granted or the PGA signed if their whereabouts are known and they have been involved with the child. All attempts to locate and contact the previous guardians must be documented and placed on the child's file.
- Consult with the First Nations designate per s.107, if applicable, and significant others, e.g. long-term placement providers.
- Consult with the worksite manager who will make a recommendation to the Child and Family Services Regional Director/DFNA Director or designate. If consenting, the Child and Family Services Regional Director/DFNA Director or designate will complete the Consent by a Director or Authorized Delegate [CS2047] and sign the Alberta Health and Wellness medical consent form.
- If the director has reason to believe that the child and/or guardians would refuse to consent, the director may choose not to consent.

Funeral and Burial Arrangements

If the child was under the guardianship or in the custody of the director:

- request authorization for payment of burial or cremation expenses per the agreement with the Alberta Funeral Services Association for a PGO/PGA child or if the parents or former guardians require financial assistance,
- consider any cultural or religious issues that may affect the arrangements,
- involve the parents or former guardians as much as possible in the funeral or burial arrangements,
- follow regional procedures for providing a grave marker for a PGO/PGA child, and
- assist sibling(s) to attend the funeral if the sibling(s) is under the director's guardianship or custody, if appropriate.

Administration

- Cancel any maintenance or financial benefit.
- Update paper and electronic records and close the file.

- Any work completed following the death (e.g. contact notes) **must** indicate the actual date completed.

Supports

The manager or supervisor will assess the need for and level of support required for birth families, placement providers, staff, and arranges for services such as counselling and critical incident stress debriefing.

Contact Information

Office of the Chief Medical Examiner, Alberta

Edmonton:
7007 116 Street NW T6H 5R8
Telephone: 780-427-4987
Fax: 780-422-1265

Calgary:
4070 Bowness Road NW T3B 3R7
Telephone: 403-297-8123
Fax: 403-297-3429

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the contact log, as appropriate.

Ensure all electronic entries are up to date.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
1.3.1 Mandatory Notification
7.2.4 Reporting a Serious Injury
9.4.2 Obtaining Funding to Maintain a Child in Care
Appendix D: Practice Supports

Fatalities Inquiry Act
Human Tissue and Organ Donation Regulation

Consent by a Director or Authorized Delegate [CS2047]
Contact Notes [CS0072]
Child Intervention Report of Death [CS0022]

ⓘ Funeral Services Agreement 2012-2016

To report a broken link click here.

Section:	**7.2 Critical Situations**	Issue Date: October 1, 2011
Subsection:	**7.2.3 Suicidal Child**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

When warning signs and triggering events are observed that lead to a belief that a child is at risk of suicide, take immediate steps to ensure the child's safety until a basic suicide risk assessment interview is completed and a suicide safety plan is negotiated.

Purpose

The necessary steps must be taken to mitigate the risk of suicide and ensure the safety and supervision of a child who is subject to a triggering event or presents as suicidal through the expression of suicidal ideation and/or behaviours.

Procedures

In consultation with a casework supervisor:

- determine the level of supervision required for the child,
- determine the potential for suicide by conducting a basic suicide risk assessment,
- immediately develop a suicide safety plan with the child and specify the responsibilities of the parent/guardian/caregiver,
- identify who needs to be notified and their role in the suicide safety plan,
- determine whether to arrange a psychological or psychiatric assessment or consultation,
- follow regional protocols for obtaining immediate assistance from local mental health resources,
- discuss the child's circumstances at a case conference or in consultation with a multi-service team, and
- identify the steps that will be taken to monitor the child's behaviour, emotional stability and compliance with the suicide safety plan.

Suicide Safety Plan

The suicide safety plan is a written record that includes:

- a safety contract,
- the disabling of the plan to harm oneself (if one exists),
- the identification of immediate risk factors including alcohol and drug use,
- a response to each of the immediate risks identified in the risk assessment,
- the identification and connection of the child to appropriate resources that are available 24 hours a day, and
- a clear identification of who will follow up, and the date and time for check in with child.

After completion of the suicide safety plan, regularly review the plan with the casework supervisor until the risk to the child has ended.

Recording

Place a copy of the suicide safety plan on the child's file and implement the plan. Summarize the decisions and actions on Contact Notes [CS0072] and/or the contact log. Enter an alert on the electronic system.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information

7.2.1 Alerts

Appendix D: Practice Supports

Contact Notes [CS0072]

Section:	**7.2 Critical Situations**	Issue Date: October 1, 2011
Subsection:	**7.2.4 Reporting a Serious Injury**	Revision Date: May 1, 2014
		Page 1 of 3

Policy

The Statutory Director must be notified **immediately** if a young person, which includes a child, youth, or young adult under the age of 22, under the guardianship or custody of the director or receiving services under CYFEA sustains a serious injury.

Purpose

Human Services is mandated to provide services to children, youth and families in Alberta. When a young person receiving services under CYFEA sustains a serious injury, it is crucial that the right people are informed as soon as possible in order to fulfill legislated responsibilities and be responsive to children, youth, young adults and their families.

Serious injury is defined in the *Child and Youth Advocate Act* s1(i) as a life-threatening injury to the child or an injury that may cause significant impairment to the child's health.

A child who sustains a serious injury while receiving a designated service at the time of injury may lead to an investigation by the OCYA per s.9(2)(d), which includes a young adult under the age of 22 who entered into a support and financial assistance agreement.

Procedures

Notification

Upon being advised of a serious injury involving a young person under the guardianship or custody of the director or receiving services under the CYFEA (including intake or assessment):

- Inform a casework supervisor.
- Consult with a casework supervisor to plan for the child.

- Following regional procedures **immediately** notify the regional director, DFNA Director or designate.
  - The regional director/DFNA Director or designate makes the proper notifications via telephone or e-mail.
  - The regional director/DFNA Director or designate completes the Report of Serious Injury [CS0023] according to the directions on the form and forward it to the Statutory Director.
- Make a referral to the Office of the Public Trustee, if appropriate (i.e. a PGO/PGA child is injured).
- Record the circumstances on a contact note [CS0072] and/or in the contact log.

NOTE: If the young person was hospitalized overnight record the incident in the medical tab of the electronic information system.

- Place the Report of Serious Injury form on the young person's file.

Reporting

- Complete and forward a Report of Serious Injury form [CS0023] to the Statutory Director.
- Make a referral to the Office of the Public Trustee for the child, if appropriate.

NOTE: Follow regional procedures for reporting a serious incident that is not a serious injury.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
1.3.1 Mandatory Notification
7.2.2 Reporting a Death
8.2 Legal Representation for a Child in a Civil Claim
8.3 Legal Representation for a Child in a Criminal Matter
8.4 Protecting the Legal Interests of Children under Permanent Guardianship
Appendix D: Practice Supports

Child and Youth Advocate Act

Contact Note [CS0072]
Mandatory Notification to the Office of the Child and Youth Advocate [CS0010]
Report of Serious Injury [CS0023]

Legal Aid Alberta
Office of the Public Trustee

To report a broken link click here.

Section:	**7.3 Placement**	Issue Date: October 1, 2011
Subsection:	**7.3.0 Placement Overview**	Revision Date: October 15, 2014 Page 1 of 6

Overview

Careful consideration must be given to the decision to bring a child into the care and custody of the director. Weigh the risk to the child in the present situation and apply s.2, Matters to be Considered, when making this decision. Children are to be brought into care in only if it is in their best interest and in a manner that poses the least disruption to the child.

Decisions concerning the placement of a child should take into consideration s.2(i), keeping the best interest of the child at the forefront. A kinship placement within the child's extended family and community should be fully explored prior to considering any other placement alternatives.

> **Note:** Children and youth should be safe, healthy and live with their families. The focus should always be on preserving and reuniting families.
>
> The primary goal, when placing a child out of parental care, is to support children and youth in kinship placements by building on the capacity of extended family and communities.

Only when there is no appropriate kinship placement within the extended family and community immediately available, obtain approval to place the child in an alternate placement and place the child in the most appropriate foster home or child and youth facility placement that can meet the child's needs.

Record the rationale for choosing the selected placement provider on Contact Notes [CS0072] and/or in the contact log.

Prior to placing a child, discuss with the child and guardian the traditions and culture of the family to ensure that the child will be aware of their cultural, familial and religious heritage.

Child Entering Care

When a child enters the care and custody of the director:

- Facilitate contacts and visits between the child, the guardian, siblings, extended family and any other person who is party to an access agreement or order.
- Book a medical examination within **2 working days** of the child coming into care.
  - Generally, the placement provider will book and take the child to the appointment.
  - Provide a Medical Report [CS0006] to the placement provider for the physician to complete.
- Apply for any allowance or financial benefit to which the director is entitled according to the procedures in the Obtaining Financing policy.
- Ensure that the child has Alberta Health Care Insurance. If the child is a registered Indian, obtain the coverage number from AANDC.

Placement of a Medically Fragile Child

Prior to placing a medically fragile child:

- Assess and determine the need for a medical alert unit based on the circumstances of the child and placement provider.
  - If a medical alert unit is needed, determine whether a grant is available to assist with the costs or if renting a unit is possible. Units purchased with grant funds become the property of the child.
  - If the unit is purchased by the region, it becomes the property of the region.
- Ensure that the placement provider is aware of emergency response methods, including the use of 911 and contacting the operator and asking for emergency services.
- Ensure that the placement provider has all the support needed to provide the level of care recommended by the physician. For example, a placement provider may require respite or other assistance to care for a child needing 2- hour supervision or positioning every 2 hours.

Out-of-Region Placements

When a placement in another region is considered, contact the other region and follow their placement procedures and the Inter-Regional/DFNA policy.

Services to all Children in Care

Clothing

Clothing must be brought up to an acceptable standard when a child initially comes into care.

Initial costs to bring the child's wardrobe to an acceptable standard are set by the region and are reimbursed if the placement provider purchases them with prior approval.

After the clothing is brought to an acceptable standard it is the placement provider's responsibility to maintain the child's wardrobe through the per diem they receive for the child.

Annual Medical, Dental and Eye Care

The placement provider is normally delegated responsibility for a child's medical, dental and optical care.

Ensure that the child receives annual medical, dental and eye care as required.

Provide the placement provider with a copy of the Health Record [CS1639] that they may use to record all medical care.

The placement provider or caseworker accompanies the child to medical, dental or optical appointments.

Provide the placement provider with the personal health number/Alberta Health Care number, treatment services card or Treaty authorization number where appropriate to access health/medical services.

The placement provider must have written approval prior to obtaining a service that is not covered. Once approved, the placement provider obtains the service and pays with a Purchase Authorization and Invoice [CS0018C], claims the service on a Child Maintenance Invoice [CS0011], or the caseworker is billed directly.

Medication

Placement providers purchase any needed non-prescription drugs for the child using the per diem.

Prescription drugs are purchased using the treatment service card or Treaty authorization number. If the child does not have a card, with prior approval, issue the placement provider a purchase authorization and invoice.

The placement provider MUST supervise the administration of all medications.

The child may be allowed access to a medication only if the caseworker and the placement provider agree that the child is capable of self-administration.

Education

Approve payment for:

- school supplies and books according to the school supply list provided by the school,
- field trips,
- preschool costs, and
- tutors.

Reimburse the placement provider upon receiving the school supply list and receipts for all purchases.

Spending Allowance

Spending money will be provided to the child for expenses such as minor recreation, toys, magazines and CDs/DVDs.

Each child receives a weekly allowance that is determined by their age.

An older child may be encouraged to earn money through part-time employment as long as school performance does not suffer.

Recreational Fund

The child's recreation fund is intended to cover costs of recreational activities such as sports, creative arts or music lessons as well as recreational equipment and supplies. Encourage placement providers to purchase used equipment whenever possible.

Vacation Allowance/Camp Fees

Placement providers will be compensated for costs associated with summer camp or for the child to accompany the placement provider on holidays or participate in holiday activities.

Placement providers are expected to discuss their camp/vacation plans with the caseworker in advance.

A letter of authorization is required when the child is travelling out of Alberta or Canada.

If a kinship or foster care provider plans to go on vacation without the child, advise them to arrange alternate care. For the period of time they were away, they may claim the per diem to pay the alternate caregiver.

Lunch Room Fees

Some school districts charge a lunch room fee for children who have their lunch at the school to cover the cost of supervising students during the lunch hour. The fee does not cover the cost of the lunch. Reimbursement for lunch room fees is determined by each region.

Additional Services Available to Children in Care

A variety of other services may be available to a child and their placement provider while in the care of the director. These may include, but are not limited to:

- counsellor or psychologist
- youth workers
- homemakers
- parent aides
- drivers

Related Information

7.4.2 Approving Travel
9.1.3 Medical Care
9.1.5 Dental
9.1.6 Eye Care
9.1.12 Medication Management
9.4.1 Daily Living Costs
9.4.2 Obtaining Funding to Maintain a Child in Care
9.4.3 Camp/Vacation Allowance
9.4.4 Recreation Allowance
9.5 Contracted Services and Payments
10.5 Inter-Regional/DFNA
Enhancement Policy Manual – Placement Resources

Child Maintenance Invoice [CS0011] – paper form only
Contact Notes [CS0072]
Health Record [CS1639] – paper form only
Medical Report [CS0006]
Purchase Authorization and Invoice [CS0018C] – voucher paper form only

Section:	**7.3 Placement**	Issue Date: October 1, 2011
Subsection:	**7.3.1 Arranging a Placement**	Revision Date: October 15, 2014 Page 1 of 5

Policy

Arrange a placement for a child in a planned way to pose the least disruption to the child when transitioning a child from the care of their guardian or from one placement provider to another.

In keeping with s.2(i), the best interests of the child should be kept at the forefront when determining the most appropriate placement.

Note: Children and youth should be safe, healthy and live with their families. The focus should always be on preserving and reuniting families.

The primary goal, when placing a child out of parental care, is to support children and youth in kinship placements by building on the capacity of extended family and communities.

Purpose

Leaving the care of their guardian to come into the care of the director can be very difficult for a child. Bringing a child into care and transitioning a child from one placement to another in a well-thought-out, planned way helps to minimize the impact of the transition on the child.

Procedures

Determining Placement Type

Once a decision has been made that a child requires an out-of-home placement, determine which type of placement will best meet the needs of the child.

Consult with the child, where appropriate, and if applicable the:

- guardian,
- service team,
- current placement provider,

- new placement provider, and
- casework supervisor.

There are three types of approved placement providers:

- kinship care,
- foster care, and
- child and youth facilities.

Identifying a Potential Kinship Care Placement

Kinship must be fully explored as the placement option of choice. Look for alternative placements within the child's extended family and community for a potential kinship care placement before considering other placement alternatives.

> **Note:** The decision to place a child into kinship care can be made by a caseworker in consultation with their supervisor. To place a child into a placement other than kinship care requires the approval of the manager or their designate for both initial placement and any subsequent placements.

Upon identifying a prospective kinship care provider, the caseworker establishes that the following eligibility requirements are met. The prospective kinship care provider must:

- be at least 18 years of age,
- be willing to have the identified child(ren) placed in their home, and
- understand and be willing to proceed with the approval process.

Refer to the kinship care policies in the Placement Resources Manual and regional procedures to complete the application and approval process with prospective kinship care providers who meet the eligibility criteria.

Consider whether a foster home or child and youth facility may be able to meet the child's needs only when there is no potential kinship care placement within the extended family and community immediately available.

Requesting a Foster Care or Child and Youth Facility Placement

Foster Care Placement

A request for a placement other than kinship care must have the approval of the manager or their designate.

Request a foster care placement using the Placement Intake Screening [FC3104] and following regional procedures.

Complete the Foster Care Placement Needs Scoring Chart [FC3603] to establish the foster home classification that a child requires to ensure that their needs will be met while in foster care.

Indicate the classification of the home required to meet the needs of the child on the placement intake screening.

- Authority foster home classifications are
  - Level 1, and
  - Level 2.

NOTE: Foster care providers are paid according to the classification of the home. Level 1 and 2 homes providing care to a child classified at the specialized level are entitled to receive special rates.

Advertising for a Foster Care Placement

When a child's specific needs cannot be met by available foster care providers, consider advertising to recruit new foster care providers who can meet the needs of the child.

Obtain **written consent** to advertise for a foster home for a specific child, as follows:

- the guardian's consent if the child is under a CAG or FSCD agreement;
- the guardian's consent if the child is under a TGO. If the guardian is not available, the casework supervisor's consent is required;
- the casework supervisor's consent if the child is under a PGO or PGA; and
- the child's consent if the child is 12 years or older.

Ensure the advertisement contains only non-identifying information about the child.

Child and Youth Facility Placement

A request for a placement other than kinship care must have the approval of the manager or their designate.

Request a child and youth facility placement using the Placement Intake Screening [FC3104] and by following regional procedures.

When requesting a child and youth facility placement:

- Ensure that the child meets all of the following eligibility criteria:
  - the **manager or designate has provided approval** to request this placement type,

  - the child is under the custody or guardianship of the director,
  - kinship, extended family, other placement providers and community resources cannot meet the child's placement needs.
- Consult with the casework supervisor or regional placement process for information about child and youth facilities that are available for the child.
- Prepare a **placement information package** with third-party personal information and reporter information removed. Include in the package:
  - intake, safety assessments, and/or ongoing assessment records;
  - case planning information, including the concurrent or transition-to-independence plan, genogram and ecomap;
  - the face sheet, providing identifying information for the child;
  - a printout of the child's legal authorities;
  - supporting documents such as recent medical, psychological, educational and psychiatric reports; and
  - progress reports from previous placement providers.

Matching

Ensure that the expertise, experience and capacity of the identified placement provider match the needs and behaviours of the child.

- Ensure the placement provider is provided with all available information about the child, about their needs, and about the child's family, when relevant to the child's care.
- Arrange pre-placement visits between the child and the placement provider. Foster and kinship care providers may receive a per diem for these visits.
- Attend any pre-placement meetings as requested by the placement provider.
- Discuss ahead of time any supports required by the placement provider to meet the special needs of the child.
- Determine whether the placement provider is able and willing to ensure that the child is given the opportunity to maintain their cultural heritage.

Confirmation of Placement

Once a placement provider is selected for the child:

- Develop a support plan for the placement.

  - If it is kinship care, a support plan is required. If it is foster care and if three or more needs are identified in the "specialized" column of the foster care placement needs scoring chart,

- Discuss the placement with the child and guardian,
- Follow regional placement procedures,
- Contact the placement provider to make placement arrangements, and
- Arrange for the child to be placed by a caseworker.

Emergency/After-Hours Placements

Follow regional procedures when arranging an emergency placement for a child after hours.

Recording

Record the rationale and approvals for choosing the selected placement provider and all contacts about the placement on Contact Notes [CS0072] and/or in the contact log.

Related Information

7.3.0 Placement Overview
7.3.2 Placing a Child
7.3.3 Casework Responsibilities During Placement
7.3.4 Placement Disruptions
7.3.5 Maintaining a Child's Culture in Placements
Enhancement Policy Manual – Placement Resources

Contact Notes [CS0072]
Foster Care Placement Needs Scoring Chart [FC3603]
Placement Intake Screening [FC3104]

Section:	**7.3 Placement**	Issue Date: October 1, 2011
Subsection:	**7.3.2 Placing a Child**	Revision Date: October 15, 2014 Page 1 of 5

Policy

When placing a child, ensure that the child, guardian and placement provider are prepared for the transition of the child from the care of the guardian to the care of the director or from one placement provider to another.

Note: Children and youth should be safe, healthy and live with their families. The focus should always be on preserving and reuniting families.

The primary goal, when placing a child out of parental care, is to support children and youth in kinship placements by building on the capacity of extended family and communities.

Purpose

To ensure a smooth transition when a child comes into the care of the director, or when a child is moved from one placement provider to another, the caseworker must prepare the child and the caregiver for the placement.

Procedures

Preparation Prior to Placing a Child

Ensure that the child, guardian and placement provider(s) understand the reason for the placement.

Ensure that the guardian is aware that the placement provider will be given information about the child and the family circumstances.

Have the child visit the placement provider as many times as required before placement.

If appropriate, facilitate contact between the guardian and the placement provider.

Have face-to-face contact with the placement provider:

- before placing the child,
- at the time of placement, or
- within 48 hours of placing the child.

If the child must change schools:

- Ensure that the local school board can meet the child's educational needs.
- When possible, notify both the current and new school in advance, following the *Success in School for Children and Youth in Care Provincial Protocol Framework*.
- Arrange to transfer or provide any needed textbooks and supplies.

Preparing a Child for Placement

Prior to placing a child with a placement provider:

- Ensure that the child understands the reason for the placement.
- Provide the child with as much information as possible about the placement provider.
- Inform the child of their procedural rights and ensure they have a copy of the age-appropriate children's rights booklet.
- Discuss, and answer, any questions the child may have such as:
  - Where will I live?
  - What school will I attend?
  - Will I see a counsellor?
  - May I bring my belongings?
  - May I see my friends?
  - May I phone home?
  - May I visit my parent?
  - When may I go home?
  - May I continue with my cultural activities?

Prior to Placement

Contact the placement provider to set a date for the placement to occur.

Encourage the guardian to supply clothing, and ensure that the clothing is appropriate.

Arrange to transfer or provide any needed clothing, personal belongings and adequate luggage according to the standards set by the region.

At the Time of Placement

A delegated caseworker **must** accompany the child to the placement to meet with the placement provider and view the child's room.

Discuss specific matters about the child, including:

- upcoming appointments,
- contact or visits with the child by any significant person,
- child management techniques that are appropriate for the child,
- dietary restrictions, and
- allergies.

Provide the placement provider with:

- sufficient information on the child's family history, behavioural and developmental needs, significant relationships and connections to enable the placement provider to meet the child's needs,
- the Delegation of Powers and Duties to a Child Caregiver [CS1631],
- the personal health number or Alberta Health Care card,
- a Health Record [CS1639],
- the Treatment Services Card [CS1126] or Treaty authorization number where appropriate,
- the immunization record,
- the latest concurrent or transition-to-independence plan, and
- the current Medical Report [CS0006], or medical information about the child.

In addition to the above, provide kinship care providers with:

- a contact/visitation schedule (be prepared to assist them in ensuring follow-through on contact/visitation)
- details on what supports they will receive (e.g. financial, health, etc.)

Advise the placement provider that the information must be stored securely to ensure confidentiality.

Support the placement provider to meet the obligations outlined in the Environmental Safety Assessment for Caregivers [FC3606] on an ongoing basis.

As close to the time of placement as possible or soon after, hold a case conference at the placement or at some other mutually acceptable location, to negotiate the case plan responsibilities. Include the child, where appropriate, and others involved in case planning. If applicable, include the:

- guardian,
- service team,
- current placement provider,
- new placement provider, and
- casework supervisor.

Recording

Update the placement in the electronic information system.

Document all contacts about the placement on Contact Notes [CS0072] and/or in the contact log as appropriate.

When a child has been moved from one placement to another, complete the placement removal report on the electronic information system.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
1.8 Children's Procedural Rights
7.3.3 Casework Responsibilities During Placement
7.3.4 Placement Disruptions
Enhancement Policy Manual – Placement Resources:
3.2.7 Environmental Safety

Delegation of Powers and Duties to a Child Caregiver [CS1631]
Health Record [CS1639] – paper form only
Medical Report [CS0006]
Treatment Services Card [CS1126] – paper only
Environmental Safety Assessment for Caregivers [FC3606]

ⓘ

Success in School for Children and Youth in Care Provincial Protocol Framework

Transport Canada

Safe Sleep Brochure

Health Canada - Is Your Child Safe?

To report a broken link click here.

Section:	**7.3 Placement**	Issue Date: October 1, 2011
Subsection:	**7.3.3 Casework Responsibilities During Placement**	Revision Date: October 15, 2014 Page 1 of 7

Policy

A child is provided with a level of care that meets their needs and that the best interests of the child are kept at the forefront throughout their time in the director's care.

Purpose

Throughout the child's time in care, the caseworker is responsible for the child's care, maintenance and well-being.

Note: Children and youth should be safe, healthy and live with their families. The focus should always be on preserving and reuniting families.

The primary goal, when placing a child out of parental care, is to support children and youth in kinship placements by building on the capacity of extended family and communities.

Procedures

Convene a case conference to address placement and case planning as close to the time of placement as possible. Include the child, where appropriate, and if applicable the:

- guardian,
- service team,
- current placement provider,
- new placement provider, and
- casework supervisor.

Overall Casework Responsibilities

During the placement:

- Provide the placement provider with sufficient information about the child to meet the child's needs.
- Attend case conferences and meetings convened or requested by the placement provider or placement provider's support worker.
- Encourage the placement provider to actively participate in the development of the concurrent or transition-to-independence plan. **Provide the placement provider with a copy of the completed plan.**
- Authorize contact between the child and any significant person, in consultation with the placement provider.
- Contact the placement provider as required by policy.
- Maintain ongoing communication with the placement provider's support worker.
- If the child is placed in a child and youth facility, ensure they convene all necessary conferences.

At minimum, address the following topics during contacts with the placement provider:

- the placement provider's success with the child, interactions with the caseworker and supports to the placement,
- the placement provider's discipline methods,
- the plans for visits between the child and others,
- the child's feelings about being in care and about their family and the caseworker,
- the child's adjustment to the placement and community, including school and peer group,
- the child's health and behavioural and emotional well-being,
- the use of community resources,
- the child and family's response to service providers, and
- the plan for maintaining the child's cultural connections.

Involving the Placement Provider in Case Conferences and Planning

Involve the placement provider in the case conferences when formulating or reviewing the concurrent plan or transition-to-independence plan, and clarify the goals and tasks for each person involved.

- Notify the placement provider of the purpose, time and place of every case conference and invite them to attend.

- Provide any direct service that the foster or kinship provider may need to attend the case conference. (This includes babysitting and transportation.)

Invite the placement provider to share information regarding the placement.

Ensure that the responsibilities of the placement provider are outlined in the plan.

Note: The placement provider may be excluded from a case conference only with the casework supervisor's approval.

Support the placement provider in completing any tasks assigned to them in the plan.

If the placement provider is unable or unwilling to complete a task or does not perform the task, review the reason and address the expectations.

Exchange information with the service team, including placement providers, service providers, placement provider support workers and relevant caseworkers working with other family members.

Keep all relevant caseworkers informed about case conferences, case plans and significant events.

The caseworker retains casework and permanency planning responsibilities while a child is in a placement.

Arranging Contact and Visits

Facilitate contact and visits between the child and guardian and any party to an access agreement or order regarding the child.

Facilitate the contact and/or visits by:

- negotiating specific arrangements,
- recording the arrangements and the role of each person,
- encouraging contact between the child and any involved person, unless the contact puts the child at risk,
- if necessary, assisting with transportation for family members,
- emphasizing the importance of regular contact with the biological family, and,
- providing supervision if the child is at risk during a visit or as per an order.

Placement Support

Review the placement of a child who newly entered care **30 days** after the child is placed with a placement provider.

Ensure that the placement is appropriate to meet the child's needs and identify any supports necessary to maintain the child in the placement.

- Review the kinship support plan.
- The Foster Care Placement Needs Scoring Chart [FC3603] should be reviewed with the foster care provider and foster care support worker to ensure it accurately reflects the child's needs.

Note: The Foster Care Placement Needs Scoring Chart may also be used with kinship care providers and their support workers to assist in identifying the child's needs.

- Review the child's needs, the type of child and youth facility the child is placed in, and the services that they provide. Assess whether the child's needs and the facility type/services provided are compatible.

Provide intensive support during the first three months to ensure the success of the placement, including:

- regular ongoing contact,
- the completion of a support plan as required,
- addressing issues as they arise, and
- linking the placement provider to any needed resources.

Provide supports and/or services as required and where indicated in the service or support plan to meet the child's needs.

- Base the type of support on the needs of the child, the skills of the placement provider, the type of placement provider and any other factors specific to the case.
- Services and supports available to children in care are outlined in Chapter: 9 of the Intervention manual, "Services for Children."
- Services and supports available to placement providers are outlined in the Placement Resources Manual.

Payment in Exceptional Circumstances

Approved Absence

Kinship and foster care providers are eligible to receive basic maintenance during a child's approved temporary absence from the kinship/foster home.

Approved temporary absences may include:

- extended visits,
- assessment and treatment programs,
- secure services, or
- a youth criminal justice placement.

The kinship care provider receives:

- the full basic maintenance for the first 7 days, and
- 50% of the basic maintenance for an additional 7 days.

The foster care provider receives:

- The full basic maintenance and skill fee for the first 7 days, and
- 50% of the basic maintenance and 50% of any skill fee for an additional 7 days.

A manager may approve an extension of maintenance fee payments (including skill fees for a foster parent) if the kinship or foster care provider is actively involved with a child who is hospitalized or out of the home for an approved temporary absence.

A foster care provider's respite and holidays do **not** fall under this category.

AWOL

If a child is absent without leave (AWOL) and the plan is to return the child to the kinship or foster care provider, pay the kinship or foster care provider the basic maintenance rate and skill fee for a maximum of 5 days in any calendar month.

Funeral Arrangements

A manager may authorize payment of the skill fee up to, and including, the day of the funeral, to a maximum of 5 days if the kinship or foster care provider is involved in making funeral arrangements for a child who was placed in their home.

Discussing Permanency with Placement Providers

When the concurrent plan shifts from returning the child to the guardian to determining an alternate permanency placement for the child, discuss the following with the placement provider:

- the child's immediate and long-term needs for care, growth and development,
- any potential placements with extended family or significant adults that are being explored,

- the kinship or foster care provider's intention to make a permanent commitment to the child through adoption or private guardianship, and
- supports available to the kinship or foster care provider if adoption or private guardianship is obtained.

Follow up the meeting by:

- Sending a letter to the kinship or foster care provider outlining the areas of discussion and decisions that were reached, and
- Place a copy of the letter on the child's file.

Additional Responsibilities

Connect the placement provider with the guardian, taking into account the placement provider type and expectations, benefit to the child and any safety concerns.

Notify the guardian of any significant events regarding the child such as injuries, incidents or illnesses.

If a complaint or concern is received about the care of a child in a placement, follow the procedures in the Placement Resources Manual.

Ensure that:

- the child receives all needed medical and dental care upon placement.
- the child receives medical, dental and optical examinations as outlined in policy.
- the placement provider maintains a memory book if the child has been in care for over six months. Memory books are an important link to a child's past and can take a variety of forms, including a scrapbook or photo album (or both) to record the child's history and keep a collection of items while in care. It is important for placement providers to collect all relevant drawings, mementos, report cards, and pictures for children in their care.
- Ensure that at least one photograph of the child is placed on the file each year. Retain all of the photographs on the file.

Recording

Record contacts, activities, incidents and information received on Contact Notes [CS0072] and/or in the contact log as appropriate.

Record on a Contact Note and/or in the contact log any child-specific method of child management to be used by a placement provider.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
4.2.3 Concurrent Plan
4.2.4 Transition to Independence Plan
4.2.6 Permanency Planning
7.1.1 Case Conference
7.1.2 Caseworker Contact
7.1.3 Memory Book
7.2.4 Reporting Serious Injuries
7.3.0 Placement Overview
7.3.4 Placement Disruptions
9.1.3 Medical Care
9.1.5 Dental
9.1.6 Eye Care
9.5 Contracted Services and Payments
Enhancement Policy Manual – Placement Resources

Contact Notes [CS0072]
Foster Care Placement Needs Scoring Chart [FC3603]
Foster Care Support Plan [FC3605]
Kinship Care Support Plan [FC3899]

Section:	**7.3 Placement**	Issue Date: October 1, 2011
Subsection:	**7.3.4 Placement Disruptions**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

When a placement incompatibility occurs, move the child in a well thought out and planned manner to minimize the disruption to the child.

Purpose

During a placement, the child and placement provider may become incompatible and the child or placement provider may request that the placement end. Where possible, time should be taken to discuss and process the transition with the child to minimize the impact on the child.

Procedures

Placement Incompatibility

Upon becoming aware of a potential mismatch or placement incompatibility:

- Meet with the placement provider and support worker, if applicable, to discuss identified issues, the circumstances leading up to the potential placement disruption, the needs of the child and the ability of the placement provider to continue to meet the needs of the child.
- Meet with the child, if appropriate, to discuss identified issues and to gain an understanding or the circumstances leading to the potential placement disruption.
- Determine if:
  - the identified issues and placement incompatibility can be resolved,
  - the current placement provider is able and willing to continue to care for the child,
  - additional supports would be able to support the maintenance of the current placement, and
  - the current placement provider type is still appropriate to meet the child's needs.

Prior to Moving the Child

Once it has been determined that a placement incompatibility exists and a placement disruption is imminent:

- Discuss the plans with all concerned.
- Arrange for a new placement or return home.
- Keep the current placement provider and child, if appropriate, informed of the case developments so that the plan for the child's move is anticipated.
- Notify the placement provider as early as possible when a new placement is identified so that the placement provider can prepare themselves and the child for the move.
- Ensure the child is physically and emotionally prepared for the move.
- Arrange for the move.

Convene a case conference before the move with the child, where appropriate, and if applicable the:

- guardian,
- service team,
- current placement provider,
- new placement provider, and
- casework supervisor.

The purpose of the case conference is to assess the progress toward the concurrent or transition to independence plan goals and to plan how to achieve the outstanding goals.

If the move occurred quickly, the case conference may occur after the child has moved to the new placement provider's care.

Child and youth facilities will develop discharge plans at the caseworker's request and in consultation with the facility and other significant persons involved in the case.

At the Time of Removal

At the time of removal, retrieve from the placement provider the child's belongings and all written information about the child, including:

- photographs and school supplies,
- personal belongings, and
- medications.

Recording

Complete electronic record entries.

Complete the Placement Resource Feedback Report [FC2824] on the electronic information system.

Record all contacts, consultations and decisions on Contact Notes [CS0072] and/or in the contact log as appropriate.

Related Information

1.1.1 Recording Contacts and Collection of Personal Information
3.2.4 Leaving the Care and Custody of the Director
7.3.0 Placement Overview
7.3.1 Arranging a Placement
7.3.2 Placing a Child
7.3.3 Caseworker Responsibilities During Placement
Enhancement Policy Manual – Placement Resources

Contact Notes [CS0072]
Placement Resource Feedback Report [FC2824]

Section:	**7.3 Placement**	Issue Date: October 1, 2011
Subsection:	**7.3.5 Maintaining a Child's Culture in Placements**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Ensure a child is aware of their cultural, familial, and religious heritage and traditions while they are in the care of the director.

Purpose

A child has a right to know their familial, cultural, social and religious heritage.

When it is not possible to place a child with extended family or in the child's community, the caseworker and placement provider must support the child in remaining connected to their familial and cultural identity.

Being grounded in one's present and future cultural identity is crucial to a child's healthy development. The child must be connected with the resources in the community that are reflective of the family's culture so that the child may experience and identify with their culture.

Procedures

Prior to placing a child, discuss with the child and guardian the traditions and culture of the family to ensure the child will be aware of their cultural, familial and religious heritage.

Make every effort to locate a placement within the child's community or culture.

If a placement within the child's family, community or within the same culture is not available, select a placement that is open to working with the child's extended family and is willing to give the child the opportunity to maintain their cultural heritage.

Inquire with the child and guardian about cultural traditions that are practiced in the home to ensure continuity for the child. Explore activities that can meaningfully connect the child to their family and community focusing on language, spirituality, history and traditions.

When planning for the child, involve a First Nations designate as required, Métis resource with guardian consent, cultural resource, the placement provider, and family in determining a plan to maintain the child's culture. The tasks should be reflected in the concurrent or transition to independence plan.

Monitor and review progress on the identified tasks, activities and goals with the service team to ensure the child remains connected to their culture.

Consult with the placement provider support workers, contract managers and casework supervisor if there are challenges in following through with the tasks, activities and goals.

Related Information

4.2.3 Concurrent Plan

4.2.4 Transition to Independence Plan

Section:	7.4 Approval Required	Issue Date: October 1, 2011
Subsection:	7.4.1 Child/Youth Requests Requiring the Director's Consent	Revision Date: May 1, 2014
		Page 1 of 6

Policy

Upon request by a child or youth, the director may provide consent as a guardian to decisions unrelated to the case plan for a child or youth under a TGO, PGO or PGA to the following:

- a change of name,
- a marriage,
- a change of religion, and
- becoming a police informant.

Purpose

Situations may arise where the director may be requested by a child or youth to make guardianship decisions unrelated to the case plan. The director may consent to these decisions by the level of authority authorized to provide such consent and in consultation with the child, youth and other involved parties.

Procedures

Change of Name

If a child under a TGO, PGO or PGA asks to take the foster or kinship care provider's surname:

- Determine whether the change relates to the child's emotional integration with the placement or an attempt to disconnect from their family of origin.
- Explore the pros and cons of the decision with the child.
- Request that the child and the placement provider each submit a request in writing.
- Ensure that the situation meets all of the following criteria:

  - the permanency plan has ruled out adoption or private guardianship in the foreseeable future,
  - the exceptional circumstances of the permanency plan are recorded on file,
  - the child has lived with the placement provider for at least two years,
  - the child has expressed a desire and understanding of the change, independently of the placement provider, and
  - the child and the placement provider understand that a name change does not create a legal relationship.
- If the child is under a TGO, ensure:
  - the child made the request,
  - the child is 12 years of age or older, and
  - the guardian supports the change and has provided written consent.
- Obtain a written, witnessed consent from the placement provider to this change.
- Consult with the supervisor, providing the information gathered around the child's request.

Record on Contact Notes [CS0072] and/or in the contact log any exceptional circumstances.

The casework **supervisor** considers:

- whether the guardian consented,
- the caseworker's recommendation regarding consent,
- the reason the foster or kinship care provider is not seeking private guardianship or adoption,
- the opinion of the First Nations Designate, if appropriate,
- the opinion of the family of origin, if the child has regular contact with the family, and
- if the child has siblings in the same placement, whether they also wish a name change and if not, the implications.

The supervisor provides a response to the request within 5 working days.

The casework **supervisor** completes the Consent by a Director or Authorized Delegate [CS2047] and, if consenting, any documentation required by the Vital Statistics/registry office.

Recording

- Record on contact notes and/or in the contact log any discussions about the decision and rationale.
- Ensure copies of any forms completed are filed on the child's file.
- Update the electronic information system.

Marriage of a Youth

If a youth under a TGO, PGO or PGA requests consent to be married, have the youth submit a written request. The manager considers:

- the opinion of significant persons in the youth's life,
- if the youth is under TGO ensure:
  - the youth made the request,
  - the youth is 16 years of age or older, and
  - the guardian supports the request and has provided written consent.
- the youth's motivation and capacity to be emancipated,
- the services the youth has received to ensure the decision is informed and made without duress, and
- the youth's understanding that all intervention services would terminate upon being married.

Record on contact notes and/or in the contact log any exceptional circumstances.

The manager provides a response to the request within 5 working days.

The **manager** completes a Consent by a Director or Authorized Designate [CS2047] and, if consenting, any documentation required by the registry office.

Provide a copy to the youth and file a copy on the youth's file.

If not consenting, the manager:

- records on contact notes and/or in the contact log the reasons for not consenting,
- meets with the youth to explain, and
- advises the youth that a court may grant an order to dispense with the requirement to get consent.

Provide the youth with referral information about the Legal Representation for Children and Youth (LRCY) program to make such an application.

If the manager provided consent, advise the youth to contact:

- the Public Trustee regarding possible assets, and
- the First Nations Designate or band, if applicable, regarding possible assets or benefits.

Close the file.

Recording

- Record on contact notes and/or in the contact log any discussions about the decision and rationale.
- Ensure copies of any forms completed are filed on the child's file.
- Update the electronic information system.

Change of Religious Affiliation

If a child 12 years of age or older under a TGO, PGO or PGA requests to change their religious affiliation, or participate in a religious or cultural practice which differs from the child's family of origin's religion or practices, have the child submit a written request.

If the child is under a TGO, ensure:

- the child made the request,
- the child is 12 years of age or older, or is a mature minor capable of making decisions regarding religious or cultural practices, and
- the guardian supports the request and has provided written consent.

Record on contact notes and/or in the contact log any circumstances related to the request.

Give the request to the casework supervisor.

The casework **supervisor** considers:

- whether the guardian consented,
- the child's motivation and desire for the request and whether it is independent of the placement provider,
- how the request will support the child's development and personal growth, and
- the opinions of family members if the child has regular contact with their family of origin.

The supervisor provides a response within 5 working days.

The casework **supervisor** completes a Consent by a Director or Authorized Delegate [CS2047] if consenting to the request.

Recording

- Record on contact notes and/or in the contact log any discussions about the decision to be made.
- Ensure copies of any forms completed are also filed on the child's file.
- Update the electronic information system.

Request to Become a Police Informant

Upon receiving a police request that a child under a TGO, PGO or PGA become an informant:

- Request that the police and the child each submit a written request.
- Deny the request unless the situation is exceptional as being a police informant could place a child at personal risk.
- In an exceptional situation where consent may be appropriate, the Child and Family Services Regional Director or DFNA Director only, completes the Consent by a Director or Authorized Delegate [CS2047].

If the youth is under a TGO, ensure:

- the youth is in agreement with the request,
- the youth is 12 years of age or older, and
- the guardian supports the youth becoming a police informant and has provided written consent.

If the child is under PGO or PGA, ensure:

- the youth is in agreement with the request, and
- the youth is 12 years of age or older.

Record on contact notes and/or in the contact log the exceptional circumstances that support the request.

The **Child and Family Services Regional Director/DFNA Director** completes a Consent by a Director or Authorized Delegate [CS2047], and if consenting, any additional forms required by the policing agency.

Recording

- Record on contact notes and/or in the contact log any discussions about the decision and rationale.
- Ensure copies of any forms completed are filed on the child's file.

Related Information

3.2.4 Leaving the Care and Custody of the Director

Consent by a Director or Authorized Delegate [CS2047]
Contact Notes [CS0072]

Legal Representation for Children and Youth (LRCY)
Vital Statistics Alberta

To report a broken link click here.

Section:	**7.4 Approval Required**	Issue Date: October 1, 2011
Subsection:	**7.4.2 Approving Travel**	Revision Date: May 1, 2014
		Page 1 of 3

Policy

Obtain required approval prior to any long-distance travel of a child in the care of the director.

- Obtain approval from the casework supervisor for travel within Alberta.
- Obtain approval from the designated supervisor for travel outside of Alberta within Canada.
- Obtain approval from the Child and Family Services Regional Director or DFNA Director for travel outside of Canada.

Purpose

Appropriate approval of travel ensures that consideration is given to the case planning and safety needs of the child in the care of the director.

Procedures

Ensure all travel is consistent with the child's case plan.

Travel within Alberta

If a child is traveling within Alberta, complete the following:

- consult the casework supervisor about requested travel and document the consultation in Contact Notes [CS0072] and/or the contact log,
- provide verbal approval of the travel request, and
- if the director is not the sole guardian of the child, make every reasonable effort to obtain approval from the other guardian.

Travel Outside of Alberta (Within Canada)

If the child is travelling outside of Alberta but within Canada, complete the following:

- Consult the casework supervisor about requested travel and document the consultation on a contact note and/or in the contact log.
- The supervisor considers:
  - the purpose of the travel,
  - the possibility of interference with any court or access orders, or non-compliance with any order
  - the duration of the travel, and
  - any special needs the child may have.
- If travel could result in result in non-compliance with a court order by the director:
  - seek legal advice regarding the possible non-compliance with the order, and
  - consider an application to the court to vary the order to enable the travel to proceed.
- Obtain and document approval from **a designated supervisor** according to regional processes.
- Provide the caregiver with necessary travel documentation according to regional processes.
- If the director is not the sole guardian of the child, make every reasonable effort to obtain approval from the other guardian.

NOTE: If the child is subject to a CAG, CAY, EAY or an EAG, the director **cannot** provide consent for travel outside of Alberta. Consent must come from the child's guardian.

Travel Outside of Canada

If the child is travelling outside of Canada, complete the following:

- Consult the casework supervisor about requested travel and document the consultation on a contact note and/or in the contact log.
- The casework supervisor considers:
  - the purpose of the travel,
  - the possibility of interference with any court or access orders,
  - the duration of the travel,
  - the safety of the destination, and

  - any special needs the child may have.
- If travel could result in result in non-compliance with a court order by the director;
  - seek legal advice regarding the possible non-compliance with the order, and
  - consider an application to the court to vary the order to enable the travel to proceed.
- Screen all travel destinations on the foreign affairs travel advisory website.
- Obtain and document approval from the **Child and Family Services Regional Director or DFNA Director or their designate** according to regional processes.
- Ensure adequate medical/travel insurance is obtained prior to departure.
- Provide the caregiver with necessary travel documentation according to regional processes.
- If the director is not the sole guardian of the child, make every reasonable effort to obtain approval from the other guardian.

NOTE: If the child is subject to a CAG, CAY, EAY or an EAG, the director **cannot** provide consent for travel outside of Canada. Consent must come from the child's guardian.

Funding Requests

Follow regional processes for approval for over and above costs.

Related Information

9.3.4 Obtaining a Passport

Contact Notes [CS0072]

Country Travel Advice and Advisories

To report a broken link click here.

Section: **7.4 Approval Required**	Issue Date: October 1, 2011
Subsection: **7.4.3 Firearms Licence**	Revision Date: October 1, 2011
	Page 1 of 3

Policy

Consent from the manager is **mandatory** for a child under the guardianship of the director to obtain the appropriate licence to use a non-restricted firearm.

Purpose

The *Firearms Act* requires that a person must be 18 years or older to own a firearm, and must have a Possession and Acquisition Licence.

A child aged 12-17 years must have a Minor's Licence in order to borrow a non-restricted shotgun or rifle for an approved purpose such as hunting or target shooting. When the child turns 18 years, they must obtain a Possession and Acquisition Licence to use a firearm.

The consent of a guardian is required for a child to obtain a Minor's Licence.

Due to exceptional safety concerns and the need for extreme caution, consent must be provided by a manager.

Procedures

Circumstances may occur wherein a child in the care of the director requests consent to obtain a firearms licence. If the director has guardianship of the child, consent from the manager is **required.** If the director is not the sole guardian of the child, it is best practice to obtain additional consent from the guardian who is not the director.

NOTE: If the child is subject to a CAG, CAY, or EAY, the director **cannot** provide consent for obtaining a firearms licence as the consent must come from the guardian. Under these legal statuses, it is necessary for the guardian, the placement provider, and the director to discuss and agree upon the appropriateness of consent.

Providing Consent

If consent from the director is requested:

- Discuss the request with the child and placement provider and obtain information regarding the:
  - motivation for the request,
  - child's maturity level and understanding of safety,
  - level of the child's interest,
  - cultural factors impacting the request,
  - safety precautions that will be taken,
  - completion of the Canadian Firearms Safety Course, and
  - regulations governing residential facilities specifically pertaining to firearms and their safe storage and handling.
- Consult with the casework supervisor and manager regarding the request.
- If it is determined that the consent is appropriate, the manager completes the Consent by a Director or Authorized Delegate [CS2047].
- Provide the consent by a director or authorized delegate to the placement provider.
- Assist the child and placement provider in obtaining information about obtaining a firearms licence. This information may be accessed online.

Recording

Record in Contact Notes [CS0072] and/or in the contact log all consultations and indicate if a firearms licence is obtained.

Ensure a copy of any consent completed is placed on the child's file.

Related Information

Consent by a Director or Authorized Delegate [CS2047]

Contact Notes [CS0072]

Firearms Act

ⓘ

Alberta Hunter Education Instructor Association

Canadian Firearms Program (1-800-731-4000)

Firearms Licence Information

Section: **7.5 Minor Parent**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

A minor parent of a child is entitled to receive appropriate supports and services in the same manner in which services are offered to an adult guardian.

If a minor parent is receiving services under CYFEA as a child in need of intervention, either through an agreement or under a court order, and the child of the minor parent is deemed to be in need of intervention, then a different caseworker must be assigned to the child of the minor parent in order to avoid a conflict of interest and ensure that the individual needs of the minor parent and the child are appropriately met.

The minor parent and the child of the minor parent must be treated as two separate cases where intervention files are opened for both.

Purpose

An agreement can be entered into with a minor parent as if the minor parent had attained the age of 18 per s.15.

> NOTE: A minor parent who is younger than 16 cannot sign an enhancement or custody agreement regarding his or herself, despite being able to sign an agreement regarding their child.

Procedures

Minor parent in care

If a minor parent who is capable of parenting the child is in care, and where the child of the minor parent has no intervention needs:

- Provide basic maintenance for the child of the minor parent.
- Provide the minor parent with necessary parenting supports.
- Assist the minor parent in applying for the Child Tax Benefit on behalf of the child.

If a minor parent is in care, and the child of the minor parent is deemed to be in need of intervention:

- Ensure that a separate caseworker is assigned to the child of the minor parent.
- Provide appropriate intervention services to the child of the minor parent.

Paying maintenance for the child of the minor parent

If the minor parent is placed in either foster care or kinship care with the child, have the placement provider claim the basic maintenance for the child of the minor parent. Charge additional expenses related to caring for the child of the minor parent (i.e. transportation to appointments) to the minor parent's file.

If the minor parent is in an independent living situation, have the minor parent submit a Child Maintenance Invoice [CS0011] prior to the beginning of each month for food, clothing, and personal incidentals according to the Alberta Employment and Immigration income support guidelines. Assist the minor parent in completing the maintenance invoice as necessary.

Ensure that the child is registered for Alberta Health Care insurance under the minor parent's number. Assist the minor parent in applying for health care as necessary.

Minor parent not in care

If a minor parent is not in care, and it has been determined through an assessment that intervention services are needed for the child of the minor parent:

- Determine if the minor parent is also in need of intervention services.
- Provide the minor parent with necessary parenting supports.
- Assist the minor parent in applying for the Child Tax Benefit and Alberta Health Care on behalf of the child.
- Provide appropriate intervention services to the child of the minor parent.

Recording

Ensure that the documentation for the minor parent and the child of the minor parent is filed appropriately, as the two are treated as separate cases.

- When an intake is completed regarding the child of a minor parent, ensure that the minor parent is identified as the guardian and the child as the child in need. Any information regarding the child of the minor parent will reside in the intervention file and electronic files of the child.
- When an intake is completed regarding a minor parent who is then determined to be in need of intervention or a minor parent is already

receiving intervention services, the information regarding the minor parent as a child in need of intervention will reside in the intervention and electronic files of the minor parent.

Ensure that where both the minor parent and the child of the minor parent are in need of intervention, the two different caseworkers are clearly identified in the files of both the minor parent and the child of the minor parent.

Related Information

3.1.2 Intake
3.1.3 Safety Phase
5.2.1 Family Enhancement Agreement with Guardian or Custodian
5.2.2 Enhancement Agreement with Youth
5.2.3 Custody Agreement with Guardian
5.2.4 Custody Agreement with Youth
5.3.3 Temporary Guardianship Order
5.3.4 Permanent Guardianship Order

Child Maintenance Invoice [CS0011] – paper form only

Alberta Employment and Immigration

To report a broken link click here.

Section:	**8.1 Legal Representation in a CYFEA or PSECA Matter**	Issue Date: October 1, 2011
Subsection:	**8.1.0 Legal Representation in a CYFEA or PSECA Matter Overview**	Revision Date: October 1, 2011 Page 1 of 1

Overview

A variety of circumstances may arise where the director, the child or the guardian may require legal representation in a CYFEA or PSECA matter.

Per s.111(2), parties to a court proceeding under Part 1, Division 3 and 4, or an appeal from that proceeding, are:

- the child,
- the child's guardian,
- the director, and
- the Minister.

Parties to a court proceeding have a right to legal representation.

The following, although not a party to a court proceeding, may appear and make representation to the court:

- per s.111(1)(a), a foster parent or significant other who has had continuous care of the child for at least 6 months, and
- per s.111(1)(b), any other person, with the consent of the court.

Related Information

1.4.3 Appeal to the Court of Queen's Bench – Director as Respondent

8.1.1 Legal Representation for the Director

8.1.2 Legal Representation for Children and Youth

8.1.3 Legal Representation for a Guardian

Section:	**8.1 Legal Representation in a CYFEA or PSECA Matter**	Issue Date: October 1, 2011
Subsection:	**8.1.1 Legal Representation for the Director**	Revision Date: May 1, 2014
		Page 1 of 4

Policy

Consult a lawyer in matters under CYFEA or PSECA if:

- the case is difficult to present in court,
- the circumstances are complex, or
- another party has a lawyer.

NOTE: This policy **only applies** to CFSAs in matters under CYFEA or PSECA and **does not** apply to DFNAs.

Purpose

The director may benefit from consultation with a lawyer in matters under CYFEA or PSECA in a variety of circumstances to ensure adequate representation of the director's position in a CYFEA or PSECA matter.

Procedures

Retaining a Lawyer

If the matter will be heard in Edmonton or Calgary, contact the Social Enhancement Legal Team of Alberta Justice to have a lawyer assigned. In CFSAs elsewhere in Alberta, the director is represented by agents retained by Social Enhancement Legal Team, Alberta Justice.

The Social Enhancement Legal Team maintains a roster of lawyers that have been retained for use by the CFSAs and CFSAs are made aware of the lawyers that have been retained for their area. The Social Enhancement Legal Team will send a retainer letter to the selected lawyer. Once the lawyer is retained the CFSA may use the services of that lawyer for routine child intervention matters.

If the CFSA is not satisfied with the lawyer retained for their region, the CFSA is to advise the Social Enhancement Legal Team who will locate a new lawyer within the region.

Terms of Retainer Letter

The retainer letter authorizes the lawyer to provide legal services to the CFSA on routine child intervention matters, as requested by the CFSA and in accordance with the instructions of the CFSA.

Routine child intervention matters include:

- court applications, hearings and trials under CYFEA,
- case-specific advice on CYFEA matters, and
- applications and hearings under PSECA.

The retainer letter does **not** authorize the lawyer to handle:

- statements of claim,
- appeals,
- charter or constitutional challenges, or
- novel or complex issues of law or procedure.

Refer these matters to the Social Enhancement Legal Team of Alberta Justice in either Calgary or Edmonton.

Additionally, the retainer letter does **not** authorize the lawyer to provide general legal advice not connected with a specific court matter. General legal advice includes:

- statutory interpretation,
- contract review and drafting,
- legal opinions on matters that are not case specific or that have a policy component, and
- advise Child and Family Services Regional Directors in the execution of their responsibilities.

Refer requests for general legal advice to the Legal Services Branch of Alberta Human Services.

Payment of Legal Fees

Outside counsel submits their statements of account to the Legal Services branch of Human Services for payment.

Copies of all statements of account are sent by the lawyer to the CFSA **for information only**. CFSA staff should review these statements and notify the Legal Services Branch immediately if any irregularities in the statement of account are noted.

Expectations and Performance Standards

Government accountability standards require all services paid for by the government be monitored. Therefore, the services provided by outside counsel to the CFSAs are, from time to time, subject to a routine client satisfaction survey or other reviews conducted by the Legal Services Branch of Human Services.

Use the following expectations and standards in monitoring the performance of outside counsel:

- demonstrates a clear understanding of the work required,
- clearly explains issues, procedures and options,
- reports to client in timely manner,
- advice and communications are clear, understandable and practical,
- follows instructions and provides services when needed,
- outcome is appropriate to circumstances,
- overall services are satisfactory or better, and
- provides services in a courteous manner.

If, at any time, a CFSA has concerns with their outside counsel, they may contact the Social Enhancement Legal Team in either Calgary or Edmonton to discuss appropriate resolution.

Contact Information

Civil Law Branch – Social Enhancement Legal Team – Edmonton
Alberta Justice
13th Floor, City Centre Place
10025-102A Avenue
Edmonton, AB T5K 3W7

Phone: 780 422-3715
Fax: 780 427-5914

Civil Law Branch – Social Enhancement Legal Team – Calgary
Alberta Justice
16th Floor, Standard Life Building
639-5 Avenue SW
Calgary, AB T2P OM9

Phone: 403 297-3360
Fax: 403 297-6381

Director of Legal Services

Alberta Human Services
12th Floor, Sterling Place
9940-106 Street
Edmonton, AB T5K 2N2

Phone: 780 427-7267
Fax: 780 422-0912

Related Information

8.1.0 Legal Representation in a CYFEA or PSECA Matter Overview

8.1.2 Legal Representation for Children and Youth

8.1.3 Legal Representation for a Guardian

Section:	**8.1 Legal Representation in a CYFEA or PSECA Matter**	Issue Date: October 1, 2011
Subsection:	**8.1.2 Legal Representation for Children and Youth**	Revision Date: April 1, 2012 Page 1 of 5

Policy

A child or youth may be represented by a lawyer to ensure their rights, interests and views are adequately represented.

Purpose

Per s.9(2)(c) of the *Child and Youth Advocate Act* the Child and Youth Advocate may appoint a lawyer to represent a child or youth receiving intervention services under CYFEA or services under PSECA.

Legal Representation for Children and Youth (LRCY) is a service provided by the Office of the Child and Youth Advocate and is responsible for the appointment of lawyers for eligible children and youth.

Procedures

LRCY Eligibility

All children and youth, regardless of age or where they reside in the province of Alberta, **may** be eligible for legal representation through LRCY if they are receiving services under CYFEA and/or PSECA. LRCY screens requests for legal representation to ensure that the eligibility requirements are met.

Children and youth receiving services under Part 2 of CYFEA (Adoptions) and individuals 18 years of age or older receiving services under CYFEA or PSECA are not eligible for services from LRCY. In both of these situations, the child, youth or individual may apply to Legal Aid Alberta to request representation.

If, after reviewing the file, it is believed that a child or youth would benefit from independent representation, make a referral to LRCY. Various situations may require a child or youth receiving services under CYFEA or PSECA to access legal representation through LRCY. It is not necessary to wait for an application to be before the court, or a court order to be granted, to request legal representation for a child or youth.

Procedures for Requesting Legal Representation Through LRCY

A request for legal representation of a child or youth can be made by:

- the caseworker making a direct referral,
- the child or youth making a direct request to caseworker, who in turn makes a referral,
- the child or youth making a self-referral,
- the court may order under s.112(1) (if the child or youth is not already represented by a lawyer) the matter be referred to LRCY for an appointment of legal representation, or
- the placement provider, advocate, or significant other person in the child or youth's life making a referral.

Process for Referring to LRCY

Call LRCY at 780-644-6951 or toll free at 1-888-890-2020

or

Fax a completed Request for a Lawyer form [CS3849], available on the LRCY website, to LRCY at 780-644-7227.

Address for LRCY:

Legal Representation for Children and Youth
Office of the Child and Youth Advocate
802 Peace Hills Trust Tower
10011-109 Street
Edmonton, Alberta T5J 3S8

Documentation and Filing

When making a telephone referral to LRCY, document the referral on Contact Notes [CS0072] and/or in the contact log and file on the child or youth's file.

File a copy of the LRCY referral form in the legal section of the child or youth's file.

If LRCY Denies a Request for Legal Representation

If the request for legal representation is denied by LRCY:

- The child, youth or the referral source may request a review of the decision by contacting the LRCY Manager.
- The caseworker, child, youth or guardian may request the court to order legal representation under s.112. If a caseworker makes a request to the

court, it is incumbent on the caseworker to advise the court that LRCY has declined a request for representation for the child or youth.

- If LRCY has denied service and has provided a letter of denial, a request may be made to Legal Aid Alberta.

Appointment and Notification of Legal Representation

To ensure the independence of the appointment process, LRCY is not able to accept recommendations from third parties such as placement providers, caseworkers or judges for specific lawyers to be appointed to act on behalf of a child or youth.

Unless a child or youth specifies a particular lawyer in the referral process, LRCY will appoint a lawyer from the LRCY roster.

Notification

Once a lawyer has been assigned to a case:

- the **caseworker** receives a faxed memo notifying them of the lawyer appointed to represent a child or youth on their caseload, and
- LRCY notifies the placement provider and caseworker of the child and provides them with the name and contact information for the lawyer for **children 11 years and younger,** or
- LRCY notifies a child or youth directly if they are **12 years or older** and provides them with the contact information of the lawyer.

Information Sharing with LRCY and the Child or Youth's Lawyer

S.126, as well as FOIP, authorizes caseworkers to share identifying information with LRCY.

LRCY needs the following information to ensure that children and youth receive legal representation in a timely manner:

- identifying information related to the child or youth for contact purposes and to assist the lawyer in determining if a conflict of interest exists,
- current legal status and the application before the court,
- name of counsel for the director or other parties, and
- any special needs that the child or youth has that would help the lawyer represent the child or youth.

The child or youth's lawyer may contact the caseworker directly to gather information to assist with arranging a meeting with the child or youth.

Costs of Legal Representation

Legal services are available through LRCY to all children and youth who meet the eligibility criteria, regardless of whether they are receiving services through a CFSA or DFNA.

Other Circumstances Requiring Legal Representation for a Child or Youth

Although the circumstances of a child or youth may not meet the eligibility requirements of LRCY, the following situations may also require a caseworker to assist a child or youth in accessing legal representation:

- The legal interests of a child or youth under permanent guardianship require protection.
- A child or youth requires legal representation in a civil or criminal matter.

Related Information

1.2.5 Releasing Information for a Criminal Proceeding
8.1.0 Legal Representation in a CYFEA or PSECA Matter Overview
8.1.1 Legal Representation for the Director
8.1.3 Legal Representation for a Guardian
8.2 Legal Representation for a Child in a Civil Claim
8.3 Legal Representation for a Child in a Criminal Matter
8.4 Protecting the Legal Interests of Children under Permanent Guardianship
Appendix D: Practice Supports
PSECA Policy Manual

Child and Youth Advocate Act

Contact Notes [CS0072]
Request for a Lawyer [CS3849]

Legal Aid Alberta
Legal Representation for Children and Youth

To report a broken link click here.

Section:	**8.1 Legal Representation in a CYFEA or PSECA Matter**	Issue Date: October 1, 2011
Subsection:	**8.1.3 Legal Representation for a Guardian**	Revision Date: October 1, 2011
		Page 1 of 1

Policy

Inform a guardian that they may obtain a lawyer privately or may apply to Legal Aid Alberta to request a lawyer be appointed to represent them at a CYFEA or PSECA hearing.

Purpose

Parties to a court proceeding have a right to legal representation.

Per s.111(2), the child's guardian is a party to a court proceeding under Part 1, Division 3 and 4, or an appeal from that proceeding.

Procedures

Prior to a hearing inform the child's guardian that they have a right to legal representation and provide them with the contact information for the nearest Legal Aid Alberta office.

Related Information

8.1.0 Legal Representation in a CYFEA or PSECA Matter Overview

8.1.1 Legal Representation for the Director

8.1.2 Legal Representation for Children and Youth

Legal Aid Alberta

To report a broken link click here.

Section:	**8.2 Legal Representation for a Child in a Civil Claim**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 2

Policy

The director is responsible for ensuring that children under a TGO, PGO, or PGA have appropriate legal representation.

Purpose

Circumstances may arise where a child in the care of the director may require legal representation in a civil matter. As guardian of a child, the director is responsible for ensuring that a child has legal representation.

NOTE: Legal Representation for Children and Youth (LRCY) **cannot** represent a child in a civil claim.

Procedures

Child as a Defendant in a Civil Claim

If the child is under a PGO or PGA and serviced with a statement of claim, refer the matter to the Office of the Public Trustee.

If the child is under a TGO and served with a statement of claim, determine whether the director or the guardian will obtain counsel for the child.

Where the director is to obtain counsel for the child, assist the child in contacting Legal Aid Alberta and applying for legal aid coverage.

- If coverage is approved, Legal Aid Alberta will appoint a lawyer to represent the child and make necessary retainer arrangements.
- If the child does not qualify for coverage from Legal Aid Alberta, consult with the supervisor, manager and Legal Services Branch of Alberta Human Services or the DFNA's legal counsel on how to proceed. On a case-by-case basis, the director may retain a lawyer for the child and cover all of the costs.

- When determining whether to provide coverage, review:
  - the circumstances of the situation,
  - the age of the child, and
  - other available avenues for legal representation. (e.g. If the child is in a car accident, the insurance company would hire a lawyer).

NOTE: If any questions or concerns arise regarding the advice provided by the child's lawyer, contact the Legal Services Branch of Human Services or the DFNA's legal counsel.

Child as a Plaintiff in a Civil Matter

Refer to policy 8.4 Protecting the Legal Interests of Children under Permanent Guardianship.

Child as a Witness in a Civil Matter

A child that has been called as a witness in a civil matter does not require legal representation.

Support and assist the child to feel comfortable through the process.

If a lawyer requests the disclosure of information, contact the Legal Services Branch of Human Services for direction. Do not provide disclosure of information.

Related Information

8.3 Legal Representation for a Child in a Criminal Matter

8.4 Protecting the Legal Interests of Children Under Permanent Guardianship

Legal Aid Alberta

Office of the Public Trustee

To report a broken link click here.

Section: **8.3 Legal Representation for a Child in a Criminal Matter**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

The director is responsible for ensuring that a child under a TGO, PGO or PGA has legal representation.

Purpose

Circumstances may arise where a child in the care of the director may require legal representation in a criminal matter. As guardian of the child, the director is responsible to ensure that a child has legal counsel.

NOTE: Legal Representation for Children and Youth (LRCY) **cannot** represent a child in a criminal matter.

Procedures

Child as an Accused in a Criminal Matter

Assist the child in contacting Legal Aid Alberta to apply for legal aid coverage when the child is being questioned or is charged with an offence.

Support the child in the process of involvement with their legal counsel and any court proceedings that take place.

Maintain contact with the lawyer appointed to represent the child to remain apprised of what is happening in the case.

Direct any questions or concerns regarding the advice provided by the child's lawyer to the Legal Services branch of Alberta Human Services or the DFNA's legal counsel.

Requests for Disclosure of Information from the Child's Lawyer

Upon being asked to disclose information to the child's lawyer, refer to the Legal Services Branch of Human Services or the DFNA's legal counsel for directions and for the information to be vetted.

Request from Police/RCMP to Question a Child

Upon receiving a request from police/RCMP to question a child related to a criminal matter, immediately advise the casework supervisor, and legal counsel, as required, for direction.

Requests for Information from Police/RCMP Authorities

Upon being asked to disclose information to the police/RCMP, consult with the Legal Services Branch of Human Services or the DFNA's legal counsel for direction.

Requests for Information from the Crown Prosecutor

Upon being asked to disclose information to the Crown Prosecutor, consult with the Legal Services Branch of Human Services or the DFNA's legal counsel for direction.

Child as a Victim in a Criminal Matter

Upon being advised that child is a victim in a criminal matter, consult with the casework supervisor and Legal Services Branch of Human Services for direction.

Child as a Witness in a Criminal Matter

A child that has been called as a witness in a criminal matter does not require legal counsel. The Crown Prosecutor will take the lead in the prosecution of the case.

Provide support and assistance for the child to feel comfortable through the process. This could include contacting the prosecutor to discuss the need for pre-trial preparation or special arrangements to hear the child's testimony.

If a lawyer requests the disclosure of information, contact the Legal Services Branch of Human Services for direction. Do not provide the disclosure of information.

Related Information

1.2.0 Releasing Information Overview

1.2.3 Releasing Information for a Law Enforcement Request

1.2.5 Releasing information for a Criminal Proceeding

8.2 Legal Representation for a Child in a Civil Claim

Legal Aid Alberta

To report a broken link click here.

Section:	**8.4 Protecting the Legal Interests of Children under Permanent Guardianship**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 2

Policy

Advise the Legal Services branch, Alberta Human Services, of **all cases** that meet the referral criteria outlined below to ensure that the legal interests of children under a PGO/PGA are protected.

Purpose

A ruling from the Court of Queen's Bench in November 2004, suggested that the Public Trustee (Alberta Justice) has the authority and the responsibility to pursue civil claims on behalf of children under a PGO or PGA. This does not mean that the Office of the Public Trustee must pursue all claims that come to their attention. Rather, the Public Trustee is entitled to assess potential claims to determine if they are of sufficient merit to justify the expense and risk of legal action, and to consider whether litigation is in the best interests of the child.

In order to carry out this responsibility, the Public Trustee relies on Human Services to identify cases where children under a PGO or PGA have been harmed and to refer those cases to the Public Trustee for assessment and appropriate action.

Human Services Legal Services Branch accepts referrals from the regions, and forwards those cases that meet the referral criteria to the Office of the Public Trustee for review.

Procedures

Referral Criteria

It is **mandatory to refer all cases** to the Legal Services Branch of Human Services where a PGO or PGA child:

- was sexually assaulted,

- sustained a serious physical injury requiring significant medical attention or resulting in residual medical problems,
- has been contacted by a lawyer or insurance company (either directly or through the child's caseworker),
- has indicated that he or she wishes to commence a civil action, or
- has had a biological parent die as a result of another person's negligence or intentional act (e.g. motor vehicle accident).

NOTE: The injury or abuse may have occurred prior to the child becoming involved with Human Services. The referral can only be made after a child is under a PGO or PGA.

If in doubt as to whether a case meets the outlined criteria, please contact the Litigation Support unit, Legal Services Branch, for advice and direction.

Contacts

Legal Services Branch
Litigation Support Unit
12th Floor, Sterling Place
9940-106 Street
Edmonton, AB T5K 2N2

Related Information

Fatal Accidents Act

Information on Victims of Crime Compensation

Office of the Public Trustee

To report a broken link click here.

Section: **8.5 Receiving or Being Served with Court Documents**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 2

Policy

The supervisor, manager and the Legal Services Branch, Human Services, **must** be notified upon the director receiving, or being served with, one of the following court documents:

- Notice to Attend,
- Subpoena,
- Statement of Claim,
- Statement of Defence,
- Originating Notice of Motion,
- Notice of Motion,
- Production Order,
- Notice to Proceed, or
- Third Party Notice.

The statutory Director **must** be notified upon receiving, or being served with, a Contempt Application.

> NOTE: This policy applies to CFSAs and DFNAs.

Purpose

To ensure that Human Services is in a position to respond immediately to whatever allegation, application or action referred to in the court document, Human Services must be advised immediately when the director is served with, or receives, a court document as indicated above.

Procedures

Immediately notify the supervisor upon receiving, or being served with, a court document.

The supervisor immediately notifies a manager.

The manager immediately notifies the statutory Director of any contempt application received.

For all other court documents, the manager immediately forwards the following to the Litigation Support unit, Legal Services Branch:

- a complete copy of the court document,
- any correspondence or other documentation that was received,
- a brief summary of how the court document was served or received (e.g. by fax, mail or personally) and by whom it was served (e.g. a process server, a layer, a former or current client), and
- contact information for the caseworker, supervisor and manager.

NOTE: If in doubt on how to proceed, upon receiving or being served with a court document not identified above, immediately contact the Litigation Support unit, Legal Services Branch for advice and direction.

Contact Information

Alberta Human Services
Legal Services Branch
Litigation Support Unit
12th Floor, Sterling Place
9940-106 Street
Edmonton, Alberta T5K2N2

Related Information

8.1.1 Legal Representation for the Director

Chapter 9: Services for Children

Section: **9.1 Medical**	Issue Date: October 1, 2011
Subsection: **9.1.1 Medical/Dental Consent**	Revision Date: May 1, 2014 Page 1 of 3

Policy

If a child under guardianship needs medical or dental care other than ordinary care, consent must be obtained from a manager, a Child and Family Services Regional Director or a DFNA Director. Provide all information regarding the treatment to the manager for consideration.

"Ordinary medical and dental care" is defined as procedures that are administered and performed on a routine basis and that do not require hospitalization, surgery or use of general anaesthetic. This includes, but is not limited to, physical examinations and medical treatment for minor illness and injury.

Procedures

The manager considers:

- the presenting problem,
- what treatment is recommended,
- the qualifications of the service provider,
- the date and place of the proposed service,
- the risks, expected benefits and the effect of withholding the service,
- any constraints of the child's religion or culture and any alternative suggested by a consultant (e.g. for a Jehovah's Witness child, if capable and willing, a parent may wish to consult with the Hospital Liaison Committee of Jehovah's Witnesses),
- the opinions of the child, the guardian, and any other significant person, and
- any other consultation considered helpful.

If the proposed service includes abortion or cessation of life supports, have a supervisor forward the request for consent and all supporting information to the Child and Family Services Regional Director, the DFNA Director, or their designate, who decides whether to consent. The supervisor provides the manager with a copy of the request.

> NOTE: A physician may determine that a child is a mature minor and complete an abortion procedure without the consent of the guardian.

If the proposed service includes a significant, sensitive, high risk, radical, research or innovative procedure, the manager consults with the Child and Family Services Regional Director or the DFNA Director prior to making a decision.

Unless otherwise requested, the manager provides a decision within:

- five days if not consulting with the Child and Family Services Regional Director/DFNA Director or their designate, or
- ten days if consulting with Child and Family Services Regional Director/DFNA Director or their designate.

The manager completes the Consent by a Director or Authorized Delegate [CS2047] to indication whether consent is given. After written consent is provided, verbal consent may be given to the service provider.

> NOTE: An application for a treatment order under s.22.1(1) or 22.2(1) may be necessary to obtain essential treatment that is recommended by a physician or dentist for a child when a guardian other than the director or a child refuses to consent to essential treatment. This is described in further detail in the Treatment Order policy.

Emergency Situations

For a child under guardianship, a caregiver or placement provider may provide consent for emergency medical services **only** when the following criteria are met:

- in the expert opinion of a medical professional, a child needs emergency medical services in order to:
    - prevent death,
    - prevent further injury, or
    - prevent disability of the child,

and

- contacting the director will delay emergency treatment enough to endanger the child's life, cause further injury or disability.

The director **must** be contacted as soon as the emergency situation has passed.

Related Information

5.3.6 Treatment Orders
Appendix A: A-2 Delegation Schedule

Consent by a Director or Authorized Delegate [CS2047]
Delegation of Powers and Duties to a Child Caregiver [CS1631]

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.2 Medication and Therapy Requiring Consent**	Revision Date: May 1, 2014
		Page 1 of 4

Policy

The consent of the Child and Family Services Regional Director, DFNA Director or their designate **is required** for a child in the care of the director under a TGO, PGO or PGA to receive:

- medication that alters the mind, thought or behaviour, or
- therapy that is significant, sensitive, high risk, radical or innovative.

Purpose

Consent is required when a child under a TGO, PGO or PGA requires intrusive treatment, either medication that alters the mind, thought or behaviour or therapy (e.g. aversion or electroconvulsive therapy).

Appropriate monitoring of the treatment is required to ensure that the intrusive medication or therapy is meeting the intended need and that less intrusive measures could not adequately address the need.

Procedures

Consent

Upon receiving a request to use an intrusive treatment for a child:

- Gather information from the professional recommending the intrusive treatment including why other less intrusive treatments are insufficient or ineffective.
- Obtain in writing the professional's recommendation for the intrusive treatment.
- Consult with the supervisor and manager regarding the recommended treatment.

- Ensure the child is aware of the recommended treatment, why it is recommended, the side effects and why conventional treatment is not adequate.
- Where the child is not consenting:
  - contact the Child and Youth Advocate,
  - record on contact notes and/or in the contact log the reason for the child's disagreement with the treatment, and
  - arrange a mediation or other dispute resolution process.
- If the child over 12 years old, or a mature minor under 12 years old, refuses consent to medical treatment, a treatment order is necessary to proceed with the treatment.

If a child over 12 years old, or a mature minor less than 12 years old consents to the treatment, have them complete the consent provided by the medical professional.

If the supervisor and manager are in agreement with the recommended treatment, the manager requests the consent of the Child and Family Services Regional Director, DFNA Director or designate.

Record all consultations on Contact Notes [CS0072] and/or in the contact log.

The Child and Family Services Regional Director, DFNA Director or designate considers:

- the child's clinical status,
- why conventional treatment has not been adequate,
- the qualifications of the professional recommending the intrusive treatment,
- the professional's assessment of potential emotional or physical risk to the child,
- the opinions of the guardian or other significant people,
- whether the guardian has provided written consent. If not consenting, the guardian's rational for not providing consent, and
- any other consultations required.

The Child and Family Services Regional Director, DFNA Director or their designate provides a decision within 10 working days by completing the Consent by a Director or Authorized Delegate [CS2047].

Place a copy of the completed consent by a director or authorized delegate on the child's file.

Review and Monitoring

If intrusive treatment is approved for a child:

- Record on contact notes and/or in the contact log:
    - the child's diagnosis,
    - the treatment to be used including the name of the medication or therapy,
    - the dosage if it is a medication,
    - frequency of treatment, and
    - the date of approval of the treatment.
- Review the treatment with the service team along with the plan **every three months**. Include the child where appropriate.
- Review the treatment with the professional prescribing the treatment at least **every three months** ensuring that the treatment is effective, remains necessary and does not adversely affect the child.

NOTE: If a new intrusive treatment is recommended, a new consent by director or authorized delegate **must** be obtained for the new treatment.

Recording

Record on contact notes and/or in the contact log:

- consultations that occurred to gather information about the treatment that required consent, and
- ongoing reviews about the appropriateness and effectiveness of the treatment.

NOTE: Medical diagnosis and treatment information may also be recorded in the medical section of the electronic information system.

Related Information

1.3.0 OCYA Overview

1.3.1 Mandatory Notifications

5.3.6 Treatment Orders

9.1.12 Medication Management

Consent by a Director or Authorized Delegate [CS2047]
Contact Notes [CS0072]

Section:	**9.1 Medical Services**	Issue Date: October 1, 2011
Subsection:	**9.1.3 Medical Care**	Revision Date: May 1, 2014
		Page 1 of 5

Policy

Ensure that children entering the care of the director receive a medical examination by a qualified physician. The condition of the child upon entering the care of the director will determine the timeframe for the completion of the examination.

Ensure that children who have been in the care of the director for more than one year receive annual medical examinations.

Purpose

Children in the care of the director receive medical care to attend to their healthy growth and development.

Procedures

General Information Regarding Medical Examinations

It is preferable if the child can see their regular physician. However, if the physician does not know the child or has not previously obtained background information, the caseworker will provide as much of the following information as possible:

- medical history including any medical records on the child's file,
- significant illnesses (e.g. asthma, diabetes),
- hospitalizations (the reason and the name of the hospital),
- development of speech, vision, hearing, and other milestones,
- immunization records and reactions to immunizations,
- allergies and type of reactions,
- mother's health during pregnancy including use of medications, alcohol and/or drugs,

- birth information including gestation period, weight, Apgar Scores, general health and any concerns such as feeding problems, or the requirement of medical interventions,
- family of origin information including age and health of parents, siblings and grandparents. Include other relevant information about family members such as occupation, living arrangements, etc., and
- any other information pertinent to the examination of the child.

Ask the guardian or placement provider to provide any missing information regarding the child's medical history.

If the physician recommends further tests or treatment:

- Obtain any needed consents. If the treatment is beyond ordinary medical treatment, then it is important that consent is obtained from the appropriate person per the Delegation Schedule.
- Ensure that guardians who are involved with the child are aware of the treatment.
- Where a CAG, CAY, or TGO is in place and the child is covered by the parental plan, obtain the appropriate consent from the guardian to proceed.
- Stay informed of, and document, all developments on the child's file.

Emergency Medical Examination

Ensure that a medical examination is completed **prior to placing the child,** if the child:

- has a physical injury,
- has an apparent medical condition, or
- is thought to have been physically or sexually abused.

If the child is in need of immediate medical treatment:

- Make every reasonable effort to contact and obtain consent of a guardian. If able and willing, the guardian may attend the medical appointment with the caseworker and child.
- Fill out the form entitled, Letter to Doctor from Caseworker Re: Child's Exam [CS2825], and request a written report outlining the findings of the examination.
- Request that the physician fill out the Medical Report form [CS0006] as part of the process for all children coming in to the care of the director.

- Provide the physician and/or nursing staff with as much information as possible, including:
    - medical history of child,
    - prenatal history of mother,
    - familial medical history,
    - presenting concerns,
    - known allergies, and
    - any specific requests.
- Ensure that it is documented on the child's file the outcome of the examination, whether any further follow up is required, and the name and contact information for the physician.

Routine Medical Examination

If the condition of the child does not require the medical examination to occur prior to placement, ensure that a medical examination is completed as required:

- Book a medical examination **within two working days** of the child entering the care of the director. The child should be seen by the physician as soon as possible.
- A child moving to Alberta from another jurisdiction must have a medical examination completed if one was not done in the preceding year. The appointment must be scheduled **within two working days** of the child being in the care of the director. The child should be seen by the physician as soon as possible.
- If at any time the child's medical health is in question, they must be examined by a physician.
- A child who has been in the continuous care of the director for more than one year must see a physician **annually** for a routine examination.

Have the placement provider take as much responsibility as possible for arranging the examination. If appropriate, include the guardians in the scheduling of medical appointments so that they may also be in attendance at the appointment.

When a child first comes in to the care of the director, ask the physician to fill out the Medical Report to document information regarding the child's health and any medical findings. The basic information about the child on the front of the form is filled out by the caseworker prior to providing the form to the physician.

If the child is being examined as part of a regular or an annual check up, have the placement provider give the results to the caseworker who will document the information on the child's file.

Out of Region Medical Care

If it is required that a child travel out of the region in which they live in order to receive essential medical treatment:

- obtain all necessary consents per the Delegation Schedule,
- request that the child's physician make arrangements for the out of region medical treatment,
- determine, per regional policy, if travel, lodging and meal expenses that relate to the medical treatment can be reimbursed to the placement provider, and
- stay informed of and document all developments on the child's file.

Payment

For detailed information regarding the payment of service providers, review the procedures regarding Purchased Services Payment.

Recording

Update the medical information in the electronic information system. Place any copies of medical reports or documents on the paper file.

Related Information

3.1.3 Safety Phase
7.3.0 Placement Overview
7.3.3 Casework Responsibilities During Placement
9.1.1 Medical/Dental Consent
9.1.4 Medical Services Payment
9.5.2 Payment of Purchased Services
Appendix A: A-2 Delegation Schedule

Consent of a Director or Authorized Delegate [CS2047]
Letter to Doctor from Caseworker Re: Child's Exam [CS2825]
Medical Report [CS0006]

Special Considerations for the Health Supervision of Children and Youth in Foster Care

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.4 Medical Services Payment**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Direct payment for services or treatments that are recommended by medical professionals may be made in circumstances where the service or treatment is not covered by:

- Alberta Health Care Insurance
- Treatment Services Card (TSC)
- Alberta Aids to Daily Living (AADL)
- the parent, according to the terms of the case plan, when there is a CAG/CAY/TGO or child support order in place
- First Nations and Inuit Health Branch, Health Canada

Purpose

Children in the care of the director receive medical and dental treatments and services to attend to their overall health and development.

Payment may be necessary in situations where:

- the child does not yet have coverage
- the costs exceeds the fee schedule
- the hospital has an admission fee
- the service provider refuses a TSC
- special infant formula is prescribed by a doctor
- prosthetic equipment, appliances and wheelchairs are not covered by AADL
- a physician completes a Medical Report [CS0006] – a charge for filling out the form may be paid in addition to the charge for the examination
- the child does not have a TSC but requires dental work

Procedures

Seek approval for the expenditure from the designated expenditure officer. Document on Contact Notes [CS0072] and/or in the contact log:

- name and position of person approving expenditure
- date that approval for expenditure was given
- details of the service or treatment being approved
- timeframe in which the service or treatment will occur
- name and contact information of medical professional providing the service or treatment
- cost of the service or treatment
- the rationale for declining the expenditure, should the expenditure not be approved

Payment for Medical Procedures

Follow regional procedures to pay for medical expenses.

Payment for Dental Procedures

Access a dentist that honours the applicable fee schedule when obtaining services for a child without a TSC.

If the child needs other dental services, issue a TSC. When paying by Purchase Authorization and Invoice [CS0018C] do not enter an amount; enter the following phrases:

- "Standard dental services during the period __(insert date)__ as per the applicable fee schedule".

If a child leaves care during orthodontic treatment, completion of authorized treatment may be paid.

Payment for Services Received by a Registered Indian Child

When obtaining services for a registered Indian child, give the service provider the child's registration number and advise the service provider to bill Health Canada.

Related Information

2.1.3 Rights and Privileges of Status Indian Children
9.5.2 Payment of Purchased Services

Consent by a Director of Delegate [CS2047]
Contact Note [CS0072]
Medical Report [CS0006]
Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Alberta Aids to Daily Living
Alberta Dental Association
Alberta Health Care Insurance Plan
Health Canada

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Chapter 9: Services for Children

Section:	**9.1 Medical Services**	Issue Date: October 1, 2011
Subsection:	**9.1.5 Dental**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Ensure that children entering the care of the director receive a dental examination by a qualified dentist if there has been no dental examination within the preceding year.

Ensure that children who have been in the care of the director for more than one year receive annual dental examinations.

Purpose

Children in the care of the director receive dental care to attend to the healthy development of their gums and teeth.

Procedures

Ensure for a child in care that a dental examination is completed:

- within **two months** of a child entering care if one was not completed in the preceding year,
- within **two months** upon moving to Alberta from another jurisdiction if one was not completed in the preceding year,
- as the child's oral health dictates, or
- **annually** for a child who has been in the continuous care of the director for more than one year.

Have the placement provider take as much responsibility as possible for arranging the examination. Include the guardian in the process where appropriate.

If the child is being examined as part of regular dental care or an annual check-up, have the placement provider give the results to the caseworker who will document the information on the child's file.

If the dentist recommends further tests or treatment:

- Obtain any needed consent as per the Delegation Schedule.
- Ensure that guardians who are involved with the child are aware of the treatment.
- Ensure that where a CAG, CAY, or TGO is in place and the child is covered by the parental plan that the appropriate consent is received to proceed.
- Stay informed of and document any developments.

Payment

For detailed information regarding the payment of service providers, review the procedures regarding Payment for Purchased Services.

Recording

Update the electronic information system, recording all appointments and details of dental treatments.

Related Information

5.3.6 Treatment Orders
9.1.1 Medical/Dental Consent
9.1.4 Medical Services Payment
9.5.2 Payment of Purchased Services
Appendix A: A-2 Delegation Schedule

Consent of a Director or Authorized Delegate [CS2047]

Agreement between the Minister and the Dental Association and College
Dental and Denturist Benefits Administration Agreement

To report a broken link click here.

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.6 Eye Care**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Ensure that children entering the care of the director receive an eye examination by an optometrist or ophthalmologist if there has been no eye examination within the proceeding year.

Ensure that children who have been in the care of the director for more than one year receive annual eye examinations.

Purpose

Children in the care of the director will receive vision care to attend to the healthy development of their eyes.

Procedures

Ensure for a child in care that an eye examination is completed:

- within **two months** of a child entering care if one was not completed in the preceding year,
- within **two months** upon moving to Alberta from another jurisdiction if one was not completed in the preceding year,
- as the child's vision heath dictates, or
- **annually** for a child who has been in the continuous care of the director for more than one year.

Have the placement provider take as much responsibility as possible for arranging the examination. Include the guardian in the process where appropriate.

If the child is being examined as part of regular eye care or an annual check up, have the placement provider give the results to the caseworker who will document the information on the child's file.

If the optometrist/ophthalmologist recommends further tests or treatment:

- Obtain any needed consents as per the Delegation Schedule.
- Ensure that parents or guardians who are involved with the child are aware of the treatment.
- Ensure that where a CAG, CAY or TGO is in place and the child is covered by the parental plan that the appropriate consent is received to proceed.
- Stay informed of and document any developments.

Payment

For detailed information regarding the payment of service providers, review the procedures regarding Payment of Purchased Services.

Recording

Update the electronic information system by recording all appointments and details of treatments.

Related Information

5.3.6 Treatment Order
9.1.1 Medical/Dental Consent
9.1.4 Medical Services Payment
9.5.2 Payment of Purchased Services
Appendix A: A-2 Delegation Schedule

Consent by a Director or Authorized Delegate [CS2047]

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.7 Immunizations**	Revision Date: October 1, 2011 Page 1 of 4

Policy

Ensure that children in the care of the director receive immunizations as per the schedule recommended by Alberta Health Services.

Obtain consent from the guardian to proceed with immunizations if the child is under one of the following statuses:

- CAG
- interim CO
- application for a TGO
- TGO
- application for a PGO

Obtain consent from the youth to proceed with immunizations if the youth is under one of the following statues:

- CAY
- EAY

Purpose

Immunizations are intended to protect children and adults from common childhood illnesses and life threatening infectious diseases.

Procedures

Required Consent

If the child is under a **CAG** and the guardian does not consent to the immunization, do not arrange for the immunization to be administered. If the guardian cannot be located to provide consent, but has sub-delegated the director to obtain ordinary medical care on the CAG, the director may consent to and arrange for the administration of the immunization.

If the child is under an **interim CO** or an **application for PGO or TGO** and the guardian does not consent to the immunization, do not arrange for the immunization to be administered. If the guardian cannot be located to provide consent, the immunization is not to be administered.

If the child is under a **TGO** and the guardian does not consent to the immunization, the immunization is not to be administered. If the guardian cannot be located to provide consent, the director may consent to the immunizations.

If the child is under a **PGO**, the director will provide consent for immunizations unless a medical reason exists to not proceed.

If the child is under a CAY or EAY, consult with the youth and obtain consent for the administration of the immunization. If the youth has questions regarding immunizations, ensure that they receive current and accurate information. If the youth does not provide consent, the immunization is not to be administered.

Summary Table: Required Consents for Immunizations

	Consent of Guardian	**If unable to locate guardian**	**Consent of Youth**
CAG	required	immunize only if ordinary medical care has been sub-delegated to director	not applicable
Interim CO	required	do not immunize	not applicable
Application for TGO	required	do not immunize	not applicable
Application PGO	required	do not immunize	not applicable
TGO	required	director may consent to immunizations	not applicable
PGO	not required	not applicable	required
CAY	not required	not applicable	required
EAY	not required	not applicable	required

Document on the child's file the name of the guardian or youth consenting to the immunization, the specific immunization, and the date the consent was given. If the guardian or youth does not consent to the immunization document this information as well.

Process for Arranging Immunizations

To have a child immunized:

- Determine if the child's immunizations are up to date. If the guardian or placement provider does not have the child's immunization records, contact the child's local health unit (Alberta Health Services) to determine if the child's immunizations are up to date. If the child has moved from a different health unit district, the health unit currently serving the child requests the records from the previous health unit.
- Provide consent for immunizations on behalf of the director and/or guardian in accordance with the above policy statement. If consent is being given by the director, use the Consent of a Director or Authorized Delegate form [CS2047]. Consent is provided directly to Alberta Health Services.
- Discuss the child's medical condition with the guardian and/or placement provider and consult with the child's physician if:
  - there is a concern that a medical condition or neurological diagnosis of the child may put the child at risk for immunizations. Neurological conditions that may put children at risk are those that make it difficult to manage secretions (e.g. seizure disorder), or
  - the child has any contraindications to immunizations such as a severe egg allergy or a previous negative reaction to a vaccine (e.g. seizure or Guillain Barre Syndrome).
- Ensure that the placement provider and health unit is aware of any significant medical conditions or allergic reactions the child may have. The health unit has a standard set of questions that they will ask to screen for high risk situations prior to administering the immunization.
- Have the placement provider take as much responsibility as possible for arranging for the immunizations. Include the guardian in the process where appropriate.
- If the child is under any status other than a PGO or PGA, ensure that the guardian is aware of the immunization schedule for the child and given the opportunity to participate in the process if appropriate.

For more information about immunizations contact Health Link Alberta, where nurses are available 24-7 to provide health advice and information. Call 780-408-LINK (5465) or toll free 1-866-408-LINK. Local health units also have information regarding immunizations.

Pandemic

A pandemic is an epidemic of infectious disease that is spreading through human populations across a large region, for instance a continent or even worldwide. In a pandemic situation, children in the care of the director should receive the recommended immunization in accordance with the above policy statement regarding consents.

Travel Immunizations

If children in the care of the director are travelling outside of Canada, they may require additional vaccinations other than those that are scheduled throughout childhood. For information on recommended vaccinations for travel, contact Health Link at 780-408-LINK (5465) or toll free 1-866-408-LINK. Children in the care of the director should receive recommended immunizations in accordance with the above policy statement regarding consents.

Recording

Record the immunizations in the child's file and update the electronic system.

Ensure that it is documented when the next immunization is due and whether or not the child had any averse reaction to the immunization.

Record the consent of the guardian or youth on a Contact Note [CS0072] and/or in the contact log. Document the name of the person consenting to the immunization, the specific immunization being consented to, and the date consent was provided.

Related Information

5.3.6 Treatment Orders

Consent of a Director or Authorized Delegate [CS2047]

Contact Note [CS0072]

Alberta Health Services

To report a broken link click here.

Chapter 9: Services for Children

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.8 Infant Formula**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

If a child in care requires a special infant formula prescribed by a physician, authorize payment for the formula.

Purpose

Some infants have medical conditions that result in difficulties absorbing fats, digesting proteins and/or utilizing essential amino acids. These infants require special formulas to meet their basic nutritional and digestive needs. Prescription formulas are costly and therefore placement providers may require additional supports to purchase them.

Procedures

Ensure that:

- a physician is prescribing special infant formula,
- the child requires the use of special infant formula for medical purposes,
- it is documented on Contact Notes [CS0072] and/or in the contact log why the infant formula is required for the child, and
- a casework supervisor is aware of the circumstances and the associated costs.

Payment

Regional procedures are utilized for the payment of the formula. If the Treatment Services Card or Health Canada does not cover the cost of the formula then the manager must approve an over and above request. The placement provider will submit a Child Maintenance Invoice Form [CS0011] and be reimbursed for the cost of the formula.

Recording

Record on Contact Notes [CS0072] and/or in the electronic information system:

- the name of the physician prescribing the formula,
- the name of formula being prescribed,
- the presenting condition requiring the special infant formula,
- the cost of the formula, and
- confirmation of authorization of payment.

Related Information

Child Maintenance Form [CS0011] – paper form only
Contact Note [CS0072]

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.9 MedicAlert Identification**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Ensure a child in the care of the director is provided with MedicAlert identification if recommended by a licensed physician.

Purpose

Provision of MedicAlert identification (bracelet, necklace, etc.) is a protective measure for a child with an allergy or health condition.

Wearing MedicAlert identification assists in communicating information needed to appropriately meet the specialized needs of the child and reduces the risk of physical injury or harm.

Procedures

When recommended by a physician, obtain MedicAlert identification by completing the following:

- Register the child in the MedicAlert data base. This data base is accessed online.
- Order the child one piece of MedicAlert identification through an online application.
  - If the child is age four through thirteen, verify their eligibility for the *No Child Without* program by viewing the website. This program provides MedicAlert identification to certain public schools free of charge.
  - If the child is fourteen or older, or ineligible for the *No Child Without* program, verify their eligibility for the *Student's First* program online. This program provides MedicAlert identification at a reduced cost.
- Follow regional procedures to pay for the MedicAlert identification.

Recording

Update the medical information in Contact Notes [CS0072] and/or in the electronic information system.

- Record the type of MedicAlert identification obtained for the child.
- Identify if the child was eligible for the *No Child Without* or the *Student's First* program.

Related Information

Contact Notes [CS0072]

MedicAlert

MedicAlert Information Line
1-866-734-9423

No Child Without

Student's First

To report a broken link click here.

Section:	**9.1 Medical**	Issue Date: October 1, 2011
Subsection:	**9.1.10 Chiropractic Care**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Obtain approval from the CFSA Child and Family Services Regional Director or DFNA Director or their designate when accessing chiropractic services for a child in the care of the director.

Purpose

Chiropractic care for a child in the care of the director should only be considered when recommended by a physician, and when all conventional medical interventions have been deemed ineffective or insufficient.

- Chiropractic care is considered an exceptional and sensitive medical intervention.
- In July of 2009, the *Alberta Health Care Insurance Act* repealed financial coverage for chiropractic care.

Procedures

If chiropractic services are recommended for a child in the care of the director, complete the following:

- Obtain documentation from a physician recommending the chiropractic treatment.
  - The documentation must provide assurance that all conventional measures of medical intervention have been exhausted or deemed insufficient/ineffective.
- Consult a casework supervisor and document the consultation in Contact Notes [CS0072] and/or the contact log.
- Obtain approval from the CFSA Child and Family Services Regional Director or DFNA Director or their designate according to regional processes.

  - The CFSA Child and Family Services Regional Director or DFNA Director or their designate may request a treatment plan for the chiropractic services prior to providing approval.
- If the director is not the sole guardian of the child, it is best practice to obtain additional approval from a guardian who is not the director.

NOTE: If the child is subject to a CAG, CAY, or an EAY, the director **cannot** provide consent to chiropractic care. Consent must be provided by the child's guardian.

- Reassess the need for chiropractic services when reviewing the case plan.

Recording

Place documentation to support the chiropractic care on the file.

Record consultations on contact notes and/or the contact log.

Update the medical information in the electronic information system.

Related Information

5.3.6 Treatment Orders

Contact Notes [CS0072]

Section: **9.1 Medical**		Issue Date: October 1, 2011
Subsection: **9.1.11 Medical Services Coverage**		Revision Date: October 1, 2011
		Page 1 of 3

Policy

All children in the care of the director must have Alberta Health Care and extended medical benefits coverage through Human Services unless the coverage is available elsewhere e.g. through the guardian or Health Canada.

NOTE: Extended medical benefits are provided to children with Treaty status through the Non-Insured Health Benefits for First Nations and Inuit branch of Health Canada.

Purpose

Children in the care of the director receive medical, dental, ophthalmic and orthodontic services that require payment.

Most medical services required by children in the care of the director are covered by the Alberta Health Care Insurance Plan, the Treatment Services Card (TSC) or Health Canada. Services covered under the Alberta Health Care Insurance Plan and the TSC are outlined in this policy.

Procedures

Alberta Health Care Insurance Plan (AHCIP)

Medical services provided that are covered under the AHCIP are claimed against the child's personal health number.

If a child does not have AHCIP coverage, complete and submit to Alberta Health and Wellness an Application for Alberta Health Care Insurance Plan Coverage [AHC0102] and Employee Group Commencement and Termination [AHC0199].

AHCIP covers:

- All medically required services provided by a physician including an annual examination.

- Oral surgery performed by a dental surgeon required because of injury or disease.
- Optometric testing according to an agreement with the optometrists.
- Physiotherapy according to an agreement with the physiotherapists.

Treatment Services Card (TSC)

Each child in the care of the director under CYFEA is entitled to a TSC unless they are covered under their guardian's coverage or have Treaty status.

Extended medical benefits for First Nations children with registered Treaty status are covered by Health Canada. Refer to the Rights and Privileges of Status Indian Children policy for further information.

Issue a TSC if the child is in the care of the director and does not have coverage by another provider for services covered by the TSC.

The service provider claims payment against the TSC. The card covers:

- prescription drugs,
- ophthalmic services: Glasses prescribed by an ophthalmologist according to an agreement with the ophthalmic dispensers. Contact lenses are covered if the ophthalmologist provides a written explanation of the need and cost, and a casework supervisor approves,
- optometric services: Glasses prescribed by an optometrist according to an agreement with the optometrists,
- dental services: Benefits as defined in the agreement between the department and the Alberta Dental Association,
- orthodontic services: If orthodontic services are needed, the dentist refers the child to an orthodontist:
  - The orthodontist diagnoses the condition and sends an estimate of the services needed to the Alberta Dental Services Corporation (ADSC).
  - The ADSC notifies the orthodontist whether the treatment plan is approved or rejected. If approved, the ADSC attaches a cost for the services planned.
  - This approval is valid until the treatment is completed; even after the file is closed.
- ground ambulance services, for transportation to the nearest appropriate hospital.

Issuing a TSC

To issue a TSC:

- enter the information in the electronic information system. TSC information must be entered electronically for costs to be covered,
- indicate the services covered. Provide a service only if it is not covered by someone else,
- enter the expiry date using the end of the legal authority. One year for a PGO/PGA child,
- print the Treatment Services Card [CS1126] from the electronic information system or complete manually, and
- have a casework supervisor sign the card.

Services Not Covered by a TSC

For services not covered by the AHCIP or TSC, refer to the Medical Services Payment policy.

Related Information

2.1.3 Rights and Privileges of Status Indian Children

9.1.4 Medical Services Payment

Application for Alberta Health Care Insurance Plan Coverage [AHC0102]

Employee Group Commencement and Termination [AHC0199]

Treatment Services Card [CS1126] – paper only

Alberta Health Care Insurance Plan

Health Canada

To report a broken link click here.

Section:	9.1 Medical	Issue Date: October 1, 2011
Subsection:	9.1.12 Medication Management	Revision Date: October 1, 2011
		Page 1 of 2

Policy

When a child is prescribed medication or taking over the counter drugs, ensure that it is taken appropriately and under the supervision of a responsible adult. The medication use must be monitored by a primary care physician.

Purpose

Medication management is necessary to ensure that a child receives the proper dosage on schedule, and that there is appropriate follow-up and review of medical treatment.

The same primary physician should review the potential drug interactions and oversee the child's medical care so that multiple health care providers do not prescribe medications that may have negative drug interactions.

Procedure

Maintain a complete list of the medication and dosage that the child is taking in Contact Notes [CS0072] and/or the contact log and on the child's Ongoing Case Assessment Record [CS3703]. Update the list as required.

Document allergies to medication on the electronic record and on the child's assessment record. Life-threatening allergies must be entered as an alert in the electronic record.

Upon placement, the placement provider receives a Health Record [CS1639] which should include a list of the child's medication. Advise the placement provider to keep the list up to date. The placement provider must share this information with the medical practitioners.

The placement provider will arrange for a single medical practitioner (e.g. family physician, child psychiatrist) to oversee the child's treatment. If the involvement of more than one physician is necessary, direct the placement provider to share the information about the child's medications (prescription and non-prescription) with the prescribing physicians.

The placement provider should consult with the child's physician/pharmacist to determine if a child should continue to take prescribed medication if there are concerns that the child is ingesting illicit drugs or if the child missed prescribed medication.

Self-Administration of Medications

A child may self-administer medication if the caseworker, the child's placement providers and the child's guardian (if appropriate) agree that the child is capable of doing so appropriately.

If a child is to self-administer medication, the child **must** be taught to do so by a placement provider, pharmacist or physician. Document the decision and training on the file.

The placement provider will monitor the child to ensure that the child is taking the medication appropriately.

Storage of Medications

All over the counter and prescription medications are to be stored in a locked or secure space as per s.30 of the Residential Facilities Licensing Regulation.

Related Information

7.2.1 Alerts
7.3.2 Placing a Child
Enhancement Policy Manual – Placement Resources

Residential Facilities Licensing Regulation

Contact Notes [CS0072]
Health Record [CS1639] – paper form only
Ongoing Case Assessment Record [CS3703]

Chapter 9: Services for Children

Section: **9.2 Education**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 7

Policy

Obtain appropriate school programming for a child in the care of the director to be successful in school.

Purpose

The *School Act* is provincial legislation that governs the administration and financing of education in Alberta. Under the *School Act*, if the director has guardianship of a child, the director is considered the "parent" of the child.

The director, in consultation with school staff, is responsible for:

- ensuring the best educational program is accessed for the child,
- responding to disciplinary action, and
- attending to all other duties assigned to the "parent" under the *School Act*.

Procedures

Communication with the School

Continually engage in the educational process by maintaining consistent and open communication with the child's school.

Encourage the placement provider to accept joint responsibility for the child's educational experience, and to be involved in ongoing collaboration with the school.

Participate in communication and collaborative meetings regarding the educational success of the child in care, per the joint Ministry "Success in School for Children and Youth in Care: Provincial Protocol Framework" (PPF):

- At registration, inform the school point person of the child in care who will be coming and provide as much information as possible regarding:
    - grade/placement information,
    - assessment information, and
    - any special needs the child may have, that may be useful to the school in determining placement and programs/services.
- When sharing information be sure to respect the child's right to privacy related to information about abuse or trauma.
- Communicate with the school point person and the child's core teacher(s) at least twice each school year to discuss the child's progress, successes and any challenges that the child is experiencing.
    - Request that the placement provider report any emergent concerns to the caseworker immediately as well as any successes that the child may have attained.
- Attend Success in School 'core team' meetings as arranged by the school point person, and invite school personnel to any additional case conferences that may be relevant to the child's education.
- Advocate to the school for any needed service.
    - Inform a casework supervisor if an educational service is required but currently not provided.
    - The manager or designate may use the conflict-resolution process outlined in the *School Act* or in the PPF Regional Agreement to advocate for the appropriate educational services.
    - Consider a mandatory referral to the OCYA if a necessary educational service persists to be inaccessible.
- Attend core team meetings involving the school, the child, the placement provider, and if appropriate, the guardian (who is not the director), in educational planning.
    - Assist the school point person with facilitating the strengths-based meetings. Ensure the child's voice is heard.
    - Celebrate school successes with the child.
- As required, consult with the child's school point person regarding:
    - special education programs,
    - early childhood services programs,
    - religious and patriotic instruction,

  - work experience programs,
  - student records, and
  - appeals concerning student matters.
- Consult with the Director of Special Education, as required, regarding the school district policies related to specialized education related services, such as transportation.
- Consult with the Children and Youth Complex Needs program if the child's needs are extraordinary and are beyond the program's mandate.
- The responsible school board determines the educational program for a child; however, advocate for the child to ensure that the education needs are met.
- The Department of Education provides funding to the school board for education. Do not enter an agreement to pay for educational services for a child in the care of the director.

School Moves

- Avoid school moves whenever possible.
- When a school move must occur:
  - consult a casework supervisor,
  - make plans with the school point person or core team to arrange for the child to move at a natural school break,
  - ensure farewell arrangements are made for the child with teachers and classmates, and
  - ensure that the Success in School Plan follows the child.

Student Records

If deemed necessary to view a student's school record, request to review the information under s.23(2)(b) of the *School Act*.

A student or guardian who is not the director may also request to view the student's records. Inform the school that when providing information to these parties, the record must not contain information regarding intervention services or placement providers' contact information.

School Attendance

The *School Act* mandates that all children aged 6 through 16 must attend school and sanctions the use of a multi-disciplinary attendance board or an attendance officer to address truancy issues.

If a child is not attending school, participate in the process necessary to reengage the child with the educational environment:

- Work with the core team meeting partners to develop strategies to assist the child, the school, and the placement provider in improving the child's attendance.
- Participate in the attendance board hearing if one is convened.

Suspension and Expulsion from School

If consideration is being given to suspend or expel a child in care under the *School Act*, the director must be notified.

Once informed:

- Discuss the rationale for suspension/expulsion with the school point person.
- Consult with a casework supervisor.
- Meet with the core team to discuss alternatives to suspension or expulsion.
- If the decision is to suspend or expel the child, determine whether to request a review of the decision by the school, school board, or the Minister of Education.
- Work with the school point person and core team to ensure the child's ongoing educational needs are met.

Vandalism

The *School Act* holds a student and guardian liable for intentional or negligent property damage caused by a child. If a school submits a financial claim for damage caused by a child in care:

- Submit the claim to the Risk Management and Insurance department of the Ministry of Finance and Enterprise according to the regional processes.
- Risk Management and Insurance will negotiate a settlement to the claim.

Educational Expenses

Provide funding for school supplies according to the regional procedure, unless the guardian (who is not the director) is able to provide financial assistance.

In addition to basic educational supplies, obtain approval from a casework supervisor to provide payment for the following:

- bus passes/fees,

- school pictures,
- examination fees,
- student union fees,
- locker fees,
- specialized or course specific supplies, or
- recreational or cultural courses if the student also takes credit courses.

Graduation

Pay graduation costs for a child in the care of the director graduating from junior or senior high school according to regional practices.

School Trips

Obtain approval for a school trip outside of regular school hours and any exceptional expenses.

Consult with the casework supervisor and document consultation using contact notes and/or the contact log.

- The supervisor considers:
  - the cost,
  - whether the child will participate in organized fund-raising projects,
  - contributions by the child,
  - contributions by the guardian if other than the director, and
  - if the requested school trip is consistent with the child's case plan.
- If the school trip involves out of province or country travel, obtain approval from the required authorities according to Approving Travel policy.
- Ensure that all fees and approvals are completed by the timelines indicated by the school.

Tutor

Obtain approval from the casework supervisor to pay for tutorial services.

Provide payment of a tutor according to regional procedures.

Pre-school/Day care

Obtain the manager's approval for payment of pre-school or day care fees if it is determined that attendance to this programming will assist the child with school readiness and success.

Document approval by the manager in contact notes and/or the contact log.

Arrange registration and authorize payment according to regional procedures.

Alternate Educational Options

Obtain approval from the casework supervisor to enrol a child in alternate educational initiatives. Ensure the programming is needed to meet the child's educational needs and is consistent with the child's case plan.

Obtain approval for the following:

- Distance/Correspondence Learning
  - If the child is under sixteen years old, obtain approval from the principal of the child's school.
  - If the child is under sixteen years old and not enrolled in school, contact Alberta Distance Learning.
- Summer School
- Private School

Post-Secondary Education

Provide information and support youth in post-secondary educational planning. Utilize the Transition to Independence Plan and Success In School Plan as tools to identify educational plans, career aspirations and training needs.

Provide information about the Advancing Futures Bursary Program and Registered Education Savings Plan (RESP).

- Refer to related policy and the program website for eligibility criteria.

Assist and encourage the youth with all planning for post secondary education.

Transition from School to Work

Assist youth who are entering the work force, are underemployed or leave school early with career counselling and support by contacting Employment and Immigration regarding support and work training programs.

Recording

Place all documentation on the child's file. Document all contact with the school in Contact Notes [CS0072] and/or the contact log.

- Include copies of report cards, Success in School Plans and school progress reports.

Ensure that the school code is entered.

Update the school status whenever a change occurs and ensure that the school code is updated.

NOTE: Every school in Alberta (including public, private, institutional, and on reserve schools) has a unique 4-digit school code. All Alberta Education 4-digit school codes and the name of the school must be entered in the electronic information system for all open child-in-care files.

To obtain the school code, call the school to ask for the school code or look up the code on line (link below).

Related Information

4.2.4 Transition to Independence Plan

7.4.2 Approving Travel

9.4.6 Advancing Futures Bursary

9.4.7 RESP Program for Children in Permanent Care

Alberta School Act

Child Maintenance Invoice [CS0011] – paper form only

Contact Note [CS0072]

Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Advancing Futures Bursary Program

Alberta Distance Learning

Alberta Education

Alberta Education Authorities and Schools Directory

Alberta Employment and Immigration

Success in Schools Provincial Protocol Framework Initiative

Success in Schools Tip Sheets and Forms

Section:	**9.3 Identification Documents**	Issue Date: October 1, 2011
Subsection:	**9.3.1 Birth Registration**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Obtain a copy of the Registration of Live Birth if required by the court, or needed for accurate identification of a child in the care of the director.

Obtain a Birth Certificate for any child in the care of the director who is subject to a PGO or PGA.

Purpose

Registration of Live Birth is required when applying to the courts for some legal statuses. If a child's legal identity is in question, the Registration of Live Birth is required to clarify identification.

A Birth Certificate is required for any child with a PGO or PGA status. With the Birth Certificate, the child can obtain a Social Insurance Number or educational benefits.

Procedures

Registration of Live Birth

Obtain the Registration of Live Birth according to the following procedures, depending on where the child was born.

Child Born in Alberta

- Complete the Application for Certificate/Documents form. It can be found online through Service Alberta.
  - Write identification purposes or court purposes on the "reason certificate required" portion of the form.
  - Request the "Photocopy of Registration".
- Submit the form by facsimile to an Alberta Registries office.
- Utilize regional procedures to pay for the Registration of Live Birth.

Child Born Outside Alberta (Within Canada)

- Complete the application form from the Vital Statistics office in the appropriate province or territory.
    - A listing of Canadian Vital Statistics offices is located online.
- Send the application and payment to the appropriate jurisdiction, according to their provincial/territorial procedure.

Child Born Outside of Canada

- Send a memo to the regional interprovincial coordinator requesting a Registration of Live Birth.
- Include the following information:
    - name of the child,
    - date of birth,
    - parents' names,
    - mother's maiden name,
    - place of birth (including address),
    - name of hospital where child was born, and
    - place of baptism.
- The regional interprovincial coordinator will:
    - Request the document from the appropriate jurisdiction.
    - Arrange for payment according to regional financial procedure.
    - Recover any cost expended from the child's file.
    - Send any document received to the worksite.
- The interprovincial coordinator may be able to locate the country's consulate representative in Canada by searching the Government of Canada's Foreign Affairs website.
    - If the interprovincial coordinator is having trouble locating the appropriate resource, the interprovincial coordinator may contact the Government of Canada Office of Protocol.
- The interprovincial coordinator may request the assistance of International Social Service Canada (ISSC) if unable to locate the appropriate country's registry or obtain the necessary document.

Birth Certificate

Immediately apply for a Birth Certificate subsequent to the lapse of the 30-day appeal period after obtaining a PGO, and 10-days after the signing of a PGA.

Obtain the Birth Certificate according to the following procedures, depending on where the child was born.

Child Born in Alberta

- Complete the Application for Certificate/Documents form. It can be found online through Service Alberta.
    - Write identification purposes or court purposes on the "reason certificate required" portion of the form.
    - Request the "Personal Information & Parentage" type of certificate.
- Submit the form to the nearest Registry Agent according to regional procedure.

Child Born Outside of Alberta (Within Canada)

- Complete the same procedure as required for obtaining Registration of Live Birth, except indicate the requested document is a Birth Certificate.

Child Born Outside of Canada

- Complete the same procedure as required for obtaining a Registration of Live Birth, except indicate the requested document is a Birth Certificate.

Related Information

International Social Service Canada-Referral Form

International Social Service Canada-Services Form

Canadian Vital Statistics Office

Government of Canada Foreign Affairs

Government of Canada Office of Protocol
email: protocol.leprotocole@dfait-maeci.gc.ca
Telephone: 613-996-8683

International Social Services Canada

Service Alberta – Application for Certificate/Documents

To report a broken link click here.

Section:	**9.3 Identification Documents**	Issue Date October 1, 2011
Subsection:	**9.3.2 Social Insurance Number**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

All children in the permanent care of the director must have a valid Social Insurance Number (SIN).

Purpose

A child under permanent guardianship of the director requires a SIN as identification for various purposes, including employment, establishing a Registered Education Savings Plan (RESP) or a bank account.

Procedures

Applying for a SIN Card

Apply for a SIN card for a child who is in the permanent care of the director, as soon as possible after receiving a birth certificate.

Under all other statuses when the need for a SIN arises, consult with the guardian to determine who will apply for the SIN on behalf of the child.

Apply in-person at a local Service Canada Centre, where the application can be certified and original documentation can be returned immediately.

Service Canada processes all applications for SINs.

Applications for SINs can also be submitted by mail to:

Social Insurance Registration
PO Box 7000
Bathhurst, NB E2A 4T1

NOTE: This method should only be used if there is no access to a Service Canada Centre or a Service Canada Outreach Worker.

Required Documentation

Application Form

Social Insurance Number Application [NAS 2120-05-04] forms are available at local Service Canada offices or through the Service Canada website.

The form can either be completed on-line and then printed or printed for completion by hand.

Sign the application form on behalf of a child under the age of 12.

A child between the ages of 12 and 18 can sign the form on their own behalf.

Primary Documents

A "primary document", according to Service Canada, is a document that proves the identity and status of a person in Canada, and can include:

- For Canadian citizens, a birth certificate issued in Canada by the vital statistics branch of a province or territory of birth, a Certificate of Canadian Citizenship, or a Certificate of Registration of Birth Abroad.
- For permanent residents, a Permanent Resident Card, confirmation of permanent residence and a visa counterfoil, or a Record of Landing.
- For registered Indians who wish to have their status reflected in SIN records, a Certificate of Indian Status.

NOTE: Service Canada may require other documentation where a child is born outside of Canada.

All primary documents must be originals and written in English or French. Photocopies **will not** be accepted by Service Canada.

Proof of Guardianship

Service Canada requires proof of guardianship documents. The original Permanent Guardianship Order or Permanent Guardianship Agreement must be presented at the time of application.

Proof of Identity Requirements for Caseworkers

Service Canada requires proof of identity for those individuals applying on behalf of a minor child. For a caseworker this would include their Letter of Delegation and their photo identification.

When applying for the SIN on behalf of a child:

- Provide the required documentation at a Service Canada Centre.

- Request that the SIN card be mailed to the office responsible for the child's file.

Generally the card will be issued within five business days, although in some circumstances the number may be provided immediately.

No fee is charged for a first-time application for a SIN.

Recording

Once received, enter the SIN in the electronic information system.

Place the card on the current volume of the intervention file.

Related Information

9.3.1 Birth Registration

9.4.7 RESP Program for Children in Permanent Care

Service Canada

To report a broken link click here.

Section:	**9.3 Identification Documents**	Issue Date: October 1, 2011
Subsection:	**9.3.3 Driver's Licence**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Appropriate consent must be obtained for a child in the care of the director to obtain a licence to operate a vehicle.

Purpose

Any child requires the consent of a guardian to obtain a class seven learner's driver's licence. Consent is not required for obtaining a class five driver's licence.

Procedures

Class Seven Learner's Driver's Licence

If the director is not the sole guardian of the child, it is best practice to obtain consent from the guardian who is not the director.

- When possible, arrange for the guardian who is not the director to accompany the child to obtain the learner's licence.

NOTE: If the child is subject to a CAG, CAY, EAY or an EAG, the director **cannot** provide consent for obtaining a learner's licence. Consent must come from the child's guardian.

Complete the following to consent to a child obtaining a learner's driver's licence:

- Consult with a casework supervisor.
- Discuss the request with the child.
  - Explain the responsibilities of obtaining such a permit.
  - Explain the director's consent can be withdrawn at anytime and effectively suspend the learner's driver's licence.
- Inform the child of the responsibility to pay for a driver's licence. If the director is not the sole guardian of the child, request payment for the driver's licence from the guardian who is not the director.

    - If the child has no other resource, the recreation allowance may be accessed to pay for a driver's licence.
- Accompany the child to an Alberta Registries office to apply for a learner's licence.

Class Five Driver's Licence

No consent is required for the child to obtain a class five driver's license as the consent provided at the time of obtaining a learner's licence remains sufficient.

Driver Education Programs

If a child requests enrolment into a driver-training program, complete the following:

- Ensure the driver-training program is accredited.
- If the director is not the sole guardian of the child, request payment for the accredited driver-training course from the guardian who is not the director.
- If there is no other means to fund the driver-training course, obtain approval from a casework supervisor to pay for the accredited driver-training course.

Recording

Document all consultation with a casework supervisor using Contact Notes [CS0072] and/or contact log.

Related Information

Contact Notes [CS0072]

Service Alberta Driver's Licence Information

To report a broken link click here.

Section:	**9.3 Identification Documents**	Issue Date: October 1, 2011
Subsection:	**9.3.4 Obtaining a Passport**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Obtain a passport for a child, who is under a PGO or PGA who will be travelling outside of Canada.

If the director is not the sole guardian of the child, request that the guardian, who is not the director, obtain the passport.

Purpose

A passport provides the necessary identification for a child travelling outside of Canada.

Procedures

To obtain a passport for a child:

- Obtain a passport application at the Canada Passport website.
- Carefully review the “Instructions and required documentation” as outlined on the web page for “Children in foster care and in the process of adoption in Canada”.
- Refer to “Directive 2010-03 – Terminology” regarding the attributes of parental authority to apply for a passport.
- Refer to the “Canada Passport Policy” effective May, 2010 regarding passport applications.
- Determine the most expedient way of applying for the passport (e.g. by mail or in person).
- If the child is over 16 and capable, have the child complete the passport application.
- If the child is under 16, complete the passport application form for the child.
- Submit the application to a Passport Canada office.

- Utilize regional procedures to pay for the passport.

When a passport has been issued:

- provide the passport to the child or their placement provider, and
- advise them that the passport must be kept in a secure place.

Recording

Record on Contact Notes [CS0072] and/or the contact log that a passport application has been completed and when it has been issued.

Place a photocopy of the first page of the passport on the file.

Related Information

Contact Notes [CS0072]

Canada Passport

Children in Care and in the Process of Adoption

Directive 2010-03 – Terminology

Passport Canada Policy

To report a broken link click here.

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.1 Daily Living Costs**	Revision Date: October 1, 2011
		Page 1 of 4

Policy

When the director has custody or guardianship of a child, daily living costs are the responsibility of the director.

The director may also provide daily living costs for youth who are not in the custody of the director.

A guardian who is able should assume financial responsibility through child support or contributions in kind for their child's daily living costs.

Purpose

Every child has basic needs that must be met. When the director is providing services under CYFEA, the director has a responsibility to ensure that the basic needs of the child are funded.

Procedures

Clothing

When placing a child, ensure the child has an acceptable wardrobe. If a child needs clothing that is unavailable from the guardian, authorize the placement provider to bring the wardrobe up to the standard set under regionally approved rates.

Authorize payment on a Purchase Authorization and Invoice [CS00018C], or on an expenditure authorization letter that may be attached to a Child Maintenance Invoice [CS0011]. Itemize the authorization and have a casework supervisor sign it.

Advise the placement provider that once the wardrobe is brought up to standard, it is responsibility of the placement provider to maintain the wardrobe. Discuss the condition of the child's wardrobe with the placement provider periodically.

The exception is a facility that does not have wardrobe maintenance in its contract. Such a facility may request a monthly clothing allowance.

Consideration may be given to supplementing the child's clothing allowance if the child has an exceptional need caused by a physical or emotional problem and the guardian will not meet the need. In these situations,

- obtain a casework supervisor's approval, and
- authorize the placement provider to purchase the specific items needed.

Room and Board

Room and board may be provided to a youth in care, to a youth who has entered into an EAY, or to a young adult who has entered into an SFA. To pay for a youth in a room and board arrangement, obtain approval from a casework supervisor.

Negotiate a monthly rate for room, board and laundry. If the rate exceeds the maximum set by regional financial procedures, obtain approval from a casework supervisor.

Decide whether payment will be made to the youth or young adult or directly to the individual providing room and board.

Enter a three party agreement with the individual providing room and board and the youth or young adult that describes the responsibilities of each.

Payment

Direct the payee (individual providing room and board or the youth or young adult) to submit a child maintenance invoice prior to the beginning of each month for each of the following needs not provided directly by the guardian:

- room and board,
- spending money,
- personal incidentals, and
- clothing allowance.

Send a copy of the agreement to the regional finance area.

Rent

To pay for a youth or young adult in an apartment:

- Obtain the approval of a casework supervisor.
- Ensure that the youth is over 16 and has demonstrated responsibility.
- Encourage the youth or young adult to share the apartment.

- View the accommodations and approve payment only if it is appropriate.

If a damage deposit is needed:

- Pay the youth or young adult's share.
- When the youth leaves, obtain a refund from the landlord payable to the Provincial Treasurer. Send the refund with an explanatory memo to the regional finance area.

NOTE: Do not co-sign the tenancy agreement.

If furniture, bedding, initial groceries or other items are needed and unavailable from the guardian:

- Obtain the approval of a casework supervisor.
- Purchase the items for no more than the maximums set by regional financial procedures.
- Ensure the vendor deducts the Goods and Services Tax (GST) from the price.
- If further items are needed within 12 months, have a casework supervisor review the circumstances.

Payment

Arrange to pay the youth or young adult directly, using a child maintenance invoice, prior to the beginning of each month, for the following needs not provided directly by the guardian:

- rent, groceries and household incidentals according to the rates set by the regional financial procedures,
- spending money,
- personal incidentals, and
- clothing allowance.

Related Information

5.2.2 Enhancement Agreement with Youth

5.2.6 Support and Financial Assistance Agreement

5.6 Child Support Agreements and Orders

7.5 Minor Parent

Child Maintenance Invoice [CS0011] – paper form only

Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.2 Obtaining Funding to Maintain a Child in Care**	Revision Date: October 1, 2011
		Page 1 of 4

Policy

Apply for all appropriate funding that may be available upon bringing a child into the care of the director including child support or contributions in kind.

Purpose

All financing options must be explored when the director assumes care of a child to assist in covering the costs associated with caring for a child.

Procedures

Children's Special Allowance (CSA)

Under the *Children's Special Allowances Act*, when a child enters the director's care, Human Services is eligible to apply for a Special Allowances payment from the Government of Canada. Once a child enters the care of the director, the guardian is no longer eligible to receive the Canada Child Tax Benefit for their child.

An **application is automatically generated** by the electronic information system when:

- the file is open in a **CFSA**,
- the child is placed with a placement provider (excludes a young offender facility),
- there is a legal authority of:
  - CAG/CAY,
  - ICO/CO,
  - TGO,
  - PGO,
  - PGA, or

  - EAY if the placement type is supported independent living or independent living,
- the child is not yet 18 years, and
- the child's province of birth is entered into the electronic information system.

NOTE: An electronic application is not made for a file open in a DFNA. **DFNAs** manually submit and cancel their own applications. Additional information is available on the CSA/CRA website.

A **notice to cancel the CSA** for a CFSA is automatically generated electronically when:

- a new legal authority is entered that does not meet the criteria above,
- the current legal authority expires and a new legal authority is not entered,
- a case is transferred to a DFNA,
- a case is closed,
- a child dies,
- a child is placed with a placement provider outside of Alberta for over 60 days, or
- a child is placed in parental care or a young offender facility.

NOTE: If Human Services' entitlement to a Special Allowance payment ends, advise the guardian or caregiver to apply for the Canada Child Tax Benefit.

If a child is returned to their guardian and their legal status is still in place, the casework supervisor can override the CSA application process to enable the guardian to receive the CSA for the child in their custody.

Child Disability Benefit (CDB)

As a supplement to CSA, children with a severe and prolonged impairment (has lasted, or is expected to last, for a continuous period of at least 12 months) in physical or mental functions may also be eligible for the Child Disability Benefit.

To apply for the Child Disability Benefit:

- Complete Part A of Form T2201, Disability Tax Credit Certificate.
- Have Part B of this form completed and signed by a qualified practitioner.

- **CFSAs** send the **original** completed and signed form to:

  Children's Special Allowance Coordinator
  Financial Strategies
  Alberta Human Services
  5th Floor Sterling Place
  9940-106 Street
  Edmonton, AB T5K 2N2

- The Children's Special Allowance Coordinator (coordinator) submits the documents to Canada Revenue Agency (CRA).
- **DFNAs** send the **original** completed and signed form directly to CRA. The address is indicated on the form.
- Enter and update the Child Disability Benefit status in the electronic information system with:
    - In Progress – submitted to Medical Doctor
    - In Progress – submitted to Department
    - No identified Disability (if the child does not qualify for the disability benefit)
- Once CRA has reviewed the application, CRA advises the coordinator or the DFNA of the outcome of the application for the Child Disability Benefit.
- The coordinator or DFNA updates the Children's Special Allowance information system and/or the electronic information system with:
    - In Progress – submitted to CRA
    - In Progress – more info required
    - Approved by CRA
    - Denied by CRA

Pensions and Benefits

When a child in the care of the director has been receiving or may be entitled to receive a pension benefit, contact the appropriate agency for information on application procedures and apply to have the pension or benefit paid to Human Services.

Notify the appropriate pension or benefit agency when a child receiving a pension or benefit leaves the care of the director.

Canada Pension Plan (CPP)

The CPP Children's Benefit (formally called the CPP Orphan's Benefit) provides benefits to dependent children if the deceased or disabled parent made sufficient contributions to the CPP. For additional information please visit the CPP website.

Veterans Affairs Canada (VAC)

Surviving children may qualify for benefits including financial help to continue their education past high school. For additional information, please call Veteran Affairs Canada at 1-866-522-2122 or visit their website.

Workers' Compensation Board (WCB)

The Workers' Compensation Board provides benefits to dependent children if the worker dies because of a work-related cause. For additional information, please visit the WCB website.

Related Information

5.6 Child Support Agreements and Orders

Children's Special Allowance Act

Disability Tax Credit Certificate [T2201]

Child Disability Benefit
Children's Benefit (CPP)
Children's Special Allowance
Veterans Affairs Canada
Workers' Compensation Board

To report a broken link click here.

Chapter 9: Services for Children

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.3 Camp/Vacation Allowance**	Revision Date: October 15, 2014
		Page 1 of 4

Policy

Children in the care of the director are entitled to funds every calendar year to cover the full or partial cost of attending camp or going on vacation.

The camp/vacation allowance applies to all children in care, regardless of their placement, who have the following agreements or orders:

- EAY
- CAY
- CAG
- PGA
- TGO
- PGO

Purpose

Children in the care of the director have the opportunity to benefit from participating in camp or vacation.

Camp provides children with a sense of community in which they can develop their self-esteem, self-respect, self-worth and leadership skills. It is an environment where children of all abilities can achieve their personal best and establish healthy life style patterns.

Participating in family vacations allows children to spend time with their placement provider away from daily routines and schedules. Family vacation is a time for increased interaction and bonding. Vacation also provides the opportunity to learn about history, culture and geography.

Procedures

Foster Care, Kinship Care and Child and Youth Facilities

Once a year the placement provider may claim the annual maximum allowance for a child to attend camp **or** go on vacation according to the Caregiver Rate Schedule [FC1263].

To benefit from the camp/vacation allowance:

- Placement providers discuss the plan for camp or vacation with the caseworker prior to the event.
- Placement providers can claim the vacation allowance one month prior to the vacation using the Child Maintenance Invoice form [CS0011].
- If the cost is less than the maximum allowable, the remainder of the allowance may be used for another camp or vacation within the same calendar year.
- When costs for the camp/vacation exceed the maximum allowance the placement provider may request payment for the actual cost of the camp/vacation. Forward this request to a casework supervisor who decides whether to pay the additional cost by considering:
  - the benefit to the child,
  - the appropriateness and cost of alternative care should the child not travel with the placement provider, and
  - what costs are being covered by the placement provider, child and/or guardian.

If the additional camp/vacation costs are approved they will be paid using the Purchase Authorization and Invoice form [CS0018C].

Document on the child's file the information including:

- details of travel, and
- if the request for additional funds, in excess of the maximum allowance, is not approved, the rationale.

Permission to travel outside the province must be provided to the child. A Letter Giving Permission to Guardian to Travel Outside of Alberta [CS2651] must be carried with the child on their vacation.

- The placement provider continues to receive their monthly basic maintenance fee and skill fee while on vacation.
- A child in residential care is entitled to a camp/vacation allowance should they attend a camp independent of their residential setting. If the

residence offers a camp program with its own staff, it may bill the usual per diem rate.

Independent Living

A youth in independent living, up to age 18, may attend camp or go on vacation and claim the maximum allowable per calendar year.

To benefit from the camp/vacation allowance:

- The youth discusses the plans for camp or vacation with the caseworker prior to the event.
- If the youth is requesting to go on vacation, confirm the vacation plans and ensure that safety measures are in place for the youth.
- The youth can claim the camp/vacation allowance one month prior to the vacation using the child maintenance invoice form, or if more appropriate, travel costs can be paid directly using the purchase authorization and invoice.
- If the cost is less than the maximum allowable, the remainder of the allowance may be used for another camp or vacation within the same calendar year.
- When costs of the camp/vacation exceed the maximum allowance the youth may request payment for the actual cost. Forward this request to a casework supervisor who decides whether to pay the additional costs by considering:
  - the benefit to the youth, and
  - what costs are being covered by the youth or parent/guardian.

If the additional camp/vacation costs are approved they will be paid using the purchase authorization and invoice.

Document on the child's file the approval information including:

- name of casework supervisor approving costs,
- actual cost approved,
- rationale for approval,
- details of travel, and
- if approval is not granted the rationale.

Permission to travel outside the province must be provided to the youth. A Letter Giving Permission to Guardian to Travel Outside of Alberta must be carried with the youth on their vacation.

Related Information

7.4.2 Approving Travel

Child Maintenance Invoice [CS0011] – paper form only
Caregiver Rate Schedule [FC1263]
Letter Giving Permission to Travel Outside of Alberta [CS2651]
Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.4 Recreation Allowance**	Revision Date: October 15, 2014
		Page 1 of 3

Policy

Children in the care of the director are entitled to an annual allowance to support their social and recreational interests.

If the case plan does not include the guardian taking responsibility for a child's social and recreational activities, then the case worker may cover the costs as per the current allowable rates listed in the Caregiver Rate Schedule [FC1263].

Purpose

Children in the care of the director have the opportunity to benefit from participation in social and recreational activities.

Structured and regular activities pertaining to social or recreational groups promote physical, emotional and social development in children. Recreational activities help to develop motor skills and stimulate intellectual, emotional and social growth. Social activities provide children with a sense of community and belonging.

Procedures

If a child expresses interest in a sport, creative art or recreational activity:

- Discuss the activity with the child to determine their level of interest.
- If it is a high risk activity, seek approval from a manager per the Delegation Schedule.

When recreational activities include costs for sports equipment, musical instruments or other such items, the placement provider will consider:

- the community standard for such items for a child that age,
- the availability of the item second-hand, and
- the trade-in value of previous items purchased for the child.

Once the placement provider has advised the case worker of the costs of the activity and related equipment/supplies, the case worker will determine if the guardian is able and willing to take financial responsibility for the child's activity.

- Discuss with the guardian their ability to provide child support and contributions in kind. Enter into a child support agreement or order with parents who are able to pay child support or contribute to the child as per s.57.4 and 57.5.
- Determine the ability of the guardian to financially support the activity once the child returns home and the effect on the child should they not be able to continue with the activity.
- Determine whether a community resource will sponsor the activity.
- Document on the child's file:
    - the discussion with the guardian and their contributions, and
    - the total cost provided and duration of the activity.

NOTE: As the child is entitled to recreational funding, costs within the provincially set rate require no approval. If the total cost of all sports, arts and recreation activities exceeds the allowable amount, a casework supervisor may approve additional spending.

If the total cost of all sports, arts and recreation activities exceeds the allowable amount, a casework supervisor may approve additional spending. The over and above approval must be clearly documented on the child's file and include:

- date of approval,
- name of casework supervisor approving the over and above costs,
- rationale for the approval,
- details regarding the activity,
- duration of the activity, and
- total cost being approved.

Payment

The placement provider, or youth who is living independently, can be reimbursed for the cost of the child's activities by submitting a Child Maintenance Invoice form [CS0011] along with the receipt for the activities.

Related Information

4.2.3 Concurrent Plan

Appendix A: A-2 Delegation Schedule

Child Maintenance Invoice Form [CS0011] – paper form only

Foster Care Rate Schedule [FC1263]

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.5 Christmas Gifts**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Ensure a child in the care of the director over Christmas receives a gift.

Purpose

Equal allocation of funds for Christmas gifting ensures that children in the care of the director receive Christmas gifts in an equitable manner.

Procedures

Purchasing the Gift

Instruct the placement provider to purchase the gift using the per diem, unless the child was placed after October 31 of that year.

- Reimburse the placement provider using the Child Maintenance Invoice [CS0011] or provide a Purchase Authorization and Invoice [CS0018C] if the child was placed after October 31 of that year.

If the child resides independently:

- obtain approval from a casework supervisor to purchase the child a gift and arrange for reimbursement according to regional/district office procedure, or
- provide a purchase authorization and invoice to the child to purchase a gift, or reimburse the child using the child maintenance invoice.

Financial costs for the gift are negotiated with the placement provider, or youth and according to regional funding. Approval on the amount for the gift is provided by the casework supervisor.

Recording

Document consultation and decision on Contact Notes [CS0072] and/or the contact log.

Related Information

Child Maintenance Invoice [CS0011] – paper form only

Contact Notes [CS0072]

Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Section: 9.4 Financial	Issue Date: October 1, 2011
Subsection: 9.4.6 Advancing Futures Bursary	Revision Date: July 22, 2014
	Page 1 of 3

Policy

All eligible youth must be advised of their ability to apply for the Advancing Futures bursary program (Advancing Futures) in order to assist them in upgrading their education, learning a trade or earning a degree, diploma, licence or certificate. The application procedures must be reviewed with eligible youth.

Purpose

The Advancing Futures bursary was established to assist those who have been, or continue to be, under the care of Human Services, by helping them to realize their dreams and ambitions, providing them with the opportunities, and equipping them with the resources needed to succeed.

Procedures

Determining Eligibility

Determine eligibility for youth using the following eligibility criteria:

- The youth must be a resident of Alberta.
- The youth meets one of the following child intervention status criteria:
  - was under permanent guardianship status (PGO) between the ages of 13 and 18-years-old **or**
  - was in the care or custody of Human Services for at least **546** days (approximately 18 months) between 13 and 24 years of age, under one of the following legal statuses:
    - Temporary Guardianship Order (TGO)
    - Order to Extend Custody/TGO to 3 Years
    - Custody Agreement with Guardian (CAG)
    - Custody Agreement with Youth
    - Enhancement Agreement with Youth

  - Custody Order
  - Emergency Apprehension
  - Apprehension Order
  - Interim Custody Order
  - Support and Financial Assistance Agreement (SFAA)

At the time of application, the youth must be between 18 and 24years of age.

Youth who have been adopted or who are the subject of a private guardianship order and who meet the bursary criteria, **are** eligible for the program.

NOTE: A youth who has a Registered Education Savings Plan (RESP) established by the Government of Alberta is not required to use it before accessing the Advancing Futures program.

Planning with the Youth and Recording

Ensure that either the concurrent plan or the transition to independence plan, whichever is applicable, identifies that the Advancing Futures information will be reviewed with the youth and, where appropriate, with the youth's guardian.

Arrange to review the Advancing Futures information in person with the youth and the youth's guardian.

For a child or youth exiting care before their 18th birthday and who will be eligible after their 18th birthday, advise the child or youth and their guardian of the opportunity to apply for Advancing Futures anytime between 18 and 24 years of age.

Recording

Document on a Contact Note [CS0072] and/or the contact log that the child or youth and guardian were advised of this opportunity prior to the closure of the file.

Related Information

3.2.3 Case Closure

3.2.4 Leaving the Care and Custody of the Director

4.2.3 Concurrent Plan

4.2.4 Transition to Independence Plan

9.4.7 Registered Education Savings Plan Program for Children in Permanent Care

Contact Notes [CS0072]

Advancing Futures

Advancing Futures Program Guidelines, Application Form and Information Sheet

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.7 Registered Education Savings Plan (RESP) Program for Children in Permanent Care**	Revision Date: July 22, 2014 Page 1 of 7

Policy

A Registered Education Savings Plan (RESP) account will be established for each child in the permanent care of the director under a PGA or PGO.

The **only** contributions that can be made to the RESPs established under this program are:

- Grants from the Alberta Centennial Education Savings (ACES) Plan for eligible children,
- Matching contributions from the CFSA or DFNA responsible for a child's file of $100 at ages 8, 11 and 14-years-old for eligible students under the ACES regulation, and
- Grants from the Canada Learning Bond (CLB) for eligible students.

No external contributions to the RESP from any source shall be allowed while the child remains in the permanent care of the director.

The Royal Bank of Canada (RBC) is the provider for RESPs for children in the permanent care of the director.

Purpose

Human Services is committed to supporting children in permanent care in pursuing post- secondary education.

The intent of the RESP program is to ensure that each eligible child in the permanent care of the director has an individual RESP account established in order to access available government educational incentives and save for costs associated with post-secondary education.

Once an RESP is established, a child **may** be able to receive grant funding from three current government programs, ACES, CLB and the Canada Educational Savings Grant (CESG). For children who meet the eligibility requirements for each of the programs, money will be deposited into the individual RESP accounts established by Human Services for children in permanent care.

Procedures

Documentation Needed to Apply for an RESP

Birth Certificate

Determine whether a child has a birth certificate. If the child does not have a birth certificate, obtain one for the child.

Social Insurance Number (SIN)

Determine whether the child already has a SIN. If the child does not have a SIN, obtain one for the child.

RESP Program Enrolment Request Form

Complete the RESP enrolment request form from RBC to establish the RESP on behalf of the child.

The completed form can be submitted to RBC in one of two ways:

1. Mail the completed form to:

   Royal Bank of Canada
   Main Branch
   10107 Jasper Avenue
   Edmonton, AB T5J 1W9

2. Drop the completed form off at any local RBC branch and request that the documents be forwarded internally to **Transit 03749**.

Alberta Centennial Education Savings Plan (ACES)

The ACES program is a provincially administered incentive that was introduced on January 1, 2005. In order to receive benefits under the ACES program, a child must be named as the beneficiary of an RESP, and fit the eligibility criteria of the *Alberta Centennial Education Savings Plan Act*.

Eligibility Criteria

- “eligible child” – a child born to an Alberta Resident in 2005 or any subsequent year or a child under the age of one year adopted by an Alberta resident in 2005 or any subsequent year.
  - An eligible child will qualify for an initial grant of $500 upon application.

- "eligible student" – a child, who turns 8, 11 or 14-years-old after January 2005, who, at the relevant age, is enrolled in a school in Alberta and whose guardian is a resident of Alberta.
  - An eligible student will qualify for a $100 grant deposit in their RESP at ages 8, 11 or 14-years-old as long as a $100 matching contribution is deposited into the RESP account within the year of eligibility regardless of whether they received the initial grant of $500.
  - CFSAs and DFNAs make the matching $100 contribution to the RESP account, and are reimbursed by the Ministry through an approved accounting process.

Basic Canada Educational Savings Grant (CESG) and Additional Canada Savings Grant

Like the Canada Learning Bond (CLB), the Basic Canada Education Savings Grant (CESG) and Additional Canada Education Savings Grant are made available by the Federal Government through Human Resources and Skills Development Canada, and applied for by RBC.

The Basic Canada Education Savings Grant (CESG) is intended to supplement RESP contributions by contributing 20% of the first $2,500 in annual contributions made to an RESP. The Additional Canada Education Savings Grant (CESG) allows for a maximum of 40 cents on each dollar of the first $500 contributed to an RESP.

Canada Learning Bond (CLB)

The CLB is a federally administered program. The Government of Canada will deposit grant money into the RESP of a child under the care of an agency that receives the Children's Special Allowance on their behalf.

Each eligible child in the permanent care of the director has the potential to receive a maximum of $2000, which includes an initial deposit of $500 and $100 per year for a period of up to 15 years as long as the child remains in permanent care.

Eligibility Criteria

In order to be eligible for the CLB, a child must have been born after December 31, 2003.

A child is eligible for the CLB from birth, and if application is not made for the grant immediately after birth, the federal government will still make payments for earlier years for which the child was eligible.

Role of RBC

As the RESP provider, RBC completes several investment tasks on behalf of Human Services.

RBC will automatically apply for all educational incentives that the child may be eligible for, once an enrolment form is submitted by Human Services, and return all of the generated grant application forms to the Ministry for signature.

> NOTE: The forms are sent to the Ministry contact and are then forwarded to the appropriate worksites to be placed in the child's file.

RBC will notify Human Services if a child has already received monies from either ACES or the CLB. This information is available based on the child's SIN.

Transition Planning

Ensure that if a 16 or 17-year-old youth has an RESP established for them by Human Services, the funds are taken into account in transition planning for the youth. As a part of this process, ensure that the youth is aware of steps required to access the RESP funds after the age of 18-years-old.

Accessing the RESP Funds for Post-Secondary Education

Young persons will be able to access their RESP funds between the ages of 18 and 26-years-old, per the Alberta Centennial Education Savings Plan Regulation.

In order to access their funds from RBC, the young person will need redemption authorization from Human Services. This can be accomplished in the following manner:

- A youth under a PGA or PGO until the age of 18 years of age, or a young adult between the ages of 18 and 24-years-old under an SFAA can receive redemption authorization for post-secondary education from the caseworker responsible for the young person's file.
- A young person with a PGA or PGO who exits the system, either at the age of 18-years-old or as a young adult after the expiry or termination of an SFAA between 18 and 24 years of age, can access investment information and redemption authorization for post-secondary in one of two ways:
  - by contacting the office that last had responsibility for the file if it is within 2 years of the file closing, or
  - by contacting Post Guardianship Supports at the Ministry.
- When contacted, complete an Registered Education Savings Plan (RESP) Letter of Authorization [CS0016] with the young person including requested identification of their preferred method of payment.

- Email or courier a copy of the letter to the ministry contact at Corporate Office for review and signed authorization.
- The letter will, in turn, be sent to RBC Edmonton Main Branch for processing.
- Funds will be made available as instructed; and may take a period of up to 14 business days if a cheque is to be mailed to the individual.

If the Young Person Does Not Access Post-Secondary Education

If a young person chooses not to attend post-secondary education or access the funds in the RESP by their 26th birthday, then all monies shall be returned to the provincial and federal programs from which they originated, per the regulations of those programs.

The Ministry contact will be responsible to close any such accounts.

Administration of the RESP Program

Ministry Contact

The statutory Director is the key contact for the administration of the RESP program for children in permanent care. The Ministry contact will engage in dispute resolution between the caseworker and RBC where necessary. The Ministry contact will also receive investment statements issued by RBC and distribute them accordingly.

Dispute Resolution

The child's caseworker is responsible for ensuring that the forms are correctly completed and submitted. RBC will contact the caseworker to correct any errors as it would any other subscriber. If a resolution cannot be reached, then the caseworker or RBC will have the option to contact the Ministry contact.

Ownership Transfer of an RESP

The subscriber of a child's RESP may be changed from Human Services to a different legal guardian in the following circumstances:

- a child becomes the subject of an adoption order,
- a child becomes the subject of a private guardianship order post-permanent guardianship, or
- a child is returned to the biological parent and the permanent guardianship status is rescinded by the court.

Process

Complete the Ownership Change for Registered Education Savings Plan (RESP) [CS4012].

- Use the child's original birth name, under which the RESP account would have been established.
- Identify the account number for the child's individual RESP, which will be on all investment documentation forwarded to the worksite for the child's file.
- Provide the information for only one new guardian.

Submit the ownership change form via email, or by courier to the Ministry contact for signed authorization. The Ministry contact will sign the form and return it to the worksite.

Provide the ownership change form to the new guardian, with instruction to take the form and a copy of the court order that gives them guardianship, to the local RBC branch.

The original RESP established for the child by Human Services will be closed and the new legal guardian will become the subscriber. The new legal guardian then has the option to transfer the funds to an RESP with any financial institution of their choice. RBC will facilitate this process.

Document the date of the ownership change in the electronic and paper records.

File Closure

Upon the closure of a file regarding a child in the permanent care of the director, for any reason other than the death of the child, ensure that the child is aware of the existing RESP and how to access the investment for post-secondary education.

Written notification is required and should include the child's RESP account number. A copy of the notification must be placed in the child's file.

Notify the Ministry contact if a child for whom an RESP has been established has passed away. The Ministry contact will close the RESP with RBC.

Recording

Place the following documents in the child's file:

- a copy of the RESP enrolment form,
- all investment statements and letters from RBC regarding the child's RESP account,

- a copy of the ownership change form, if applicable, and
- a copy of the letter notifying the young person or their guardian how to access the funds for post-secondary education.

Ensure that the electronic records are updated to reflect that an RESP has been established for a child. Record the RESP account number.

Related Information

3.2.3 Case Closure

3.2.4 Leaving the Care and Custody of the Director

4.2.4 Transition to Independence Plan

9.3.1 Birth Registration

9.3.2 Social Insurance Number

Alberta Centennial Education Savings Plan Act

Alberta Centennial Education Savings Plan Regulation

Income Tax Act

Human Services RESP Maintenance Request [CS0017]

Human Services RESP Program Enrolment Request [CS0015]

Ownership Change for Registered Education Savings Plan (RESP) [CS4012]

Registered Education Savings Plan (RESP) Letter of Authorization [CS0016]

Alberta Centennial Education Savings Plan – Alberta Advanced Education and Technology

Canada Learning Bond – Human Resources and Skills Development Canada

To report a broken link click here.

Section:	**9.4 Financial**	Issue Date: October 1, 2011
Subsection:	**9.4.8 Resource Rebate**	Revision Date: October 1, 2011
		Page 1 of 4

Policy

A child who was in the care of the director on November 1, 2005 for whom the CFSA or DFNA was entitled to receive the federal Child Special Allowance is eligible to receive a resource rebate cheque.

The resource rebate must be used to purchase items over and above what is normally provided, and cannot be used to purchase necessities or regular provisions/entitlements for children in care.

The discretion to issue the resource rebate to or on behalf of a child in care rests with the director.

Purpose

In 2006, the Government of Alberta issued a one time resource rebate payment of $400 to all qualified Albertans. To qualify, each individual had to:

- be 18 years of age as of December 2005,
- have filed a 2004 tax return, and
- be a resident of Alberta as of September 1, 2005.

The resource rebate was tax-free and did not impact benefits for Albertans receiving funding through income support or through Assured Income for the Severely Handicapped (AISH). For children under the age of 18, the cheque was issued to the person identified as the primary caregiver. Special accommodations were made for children in the care of the director.

An amendment to CYFEA authorized the payment of the resource rebate to eligible children by making the director a trustee of funds on behalf of children in the care of the director.

The intent of the amendment was to ensure that all children in the care of the director receive the same resource rebate benefit as all residents of the province of Alberta.

Procedures

Eligibility Reports

An electronic information system report listing the children who are eligible for the Resource Rebate was provided to each CFSA and DFNA.

Prior to Applying for a Resource Rebate Cheque

Complete the following steps prior to applying for and issuing a resource rebate cheque for a child:

- Ensure the child is listed on the electronic information system eligibility report and has not received the resource rebate.
- Meet with the child and, where possible, the guardian or caregiver to determine how the resource rebate will be spent.
- Where a child is not able to articulate their wishes, meet with the caregiver and, where possible, the guardian, to discuss the plan for the use of the resource rebate. The caregiver may wish to purchase an item or attend an event that will directly benefit the child.
- If an agreement cannot be reached on how the resource rebate should be spent, meet with the child, casework supervisor and, if the child wishes, a support person (such as an advocate from the OCYA).

Resource Rebate Application

Once a plan has been made for how the child will spend the resource rebate, complete the Alberta Resource Rebate for Children in Care Application [CS4053].

- For youth in independent living situations – complete the application on behalf of eligible youth. The cheque should be made payable to the youth so that the youth receives the cheque directly.
- For children returned to their guardian, or who have been adopted or have become the subject of a private guardianship order – complete the application form on behalf of the child's guardian, adoptive parent or private guardian and ensure that the resource rebate cheque is made payable to the guardian.
- For children whose cheque will be made payable to a placement provider – ensure the provider has read and signed the application form, acknowledging that they will provide receipts for any purchases and that

unused funds will be provided to the child or deposited into a bank account for the child.

- For children deemed off reserve where their case is being managed through courtesy supervision by a DFNA caseworker – the DFNA caseworker completes the application and forwards it to the CFSA caseworker for processing.
- For children deemed on reserve but placed off reserve – the CFSA caseworker completes the application form and forwards it to the Aboriginal Initiatives Unit. The CFSA caseworker sends a copy of the application and supporting expenditure documentation to the DFNA for their records.

Upon completion of the form, forward the completed forms to the designated regional expenditure officer; DFNA staff are to forward the application to the Aboriginal Initiatives Unit.

The resource rebate cheques must be issued for the full amount of $400 plus the interest accumulated up to the date of issuance.

Resource Rebate Held in Trust

The resource rebate is held in trust until the child turns 18 years of age if:

- no agreement could be reached on how the resource rebate will be spent for the child and the decision was made to have the child's benefit held in trust,
- it was determined that nothing could be purchased to benefit the child at that time and the decision was made to have the child's benefit held in trust, or
- if a child was AWOL.

The resource rebate plus applicable interest will be available to those for whom the funds are held in trust until such time as it has been determined that the benefit should be issued or up to two years after the child's 18th birthday.

Move to a New Region

If a child's file is re-opened in, or transferred to a different CFSA or DFNA, and a request is made to access the resource rebate for the child, contact the CFSA or DFNA where the file was held in 2005 to determine if the child was eligible or if the child has received the resource rebate.

Children No Longer in the Care of the Director

- Before closing a file, review the file to determine if a resource rebate cheque was issued. If not, complete the resource rebate application form and have the cheque made payable to the guardian or the child based on the individual circumstances at the time of the payment.

- If the child is deceased, the caseworker must fill out the resource rebate application form and ensure that the cheque is made payable to the executor of the child's estate.

Recording

Keep a copy of the resource rebate application form in the child's file.

Keep copies of receipts from any purchases, where the resource rebate cheque was issued to a placement provider and documentation regarding any remaining money deposited into the child's bank account.

Document the following on Contact Notes [CS0072] and/or the contact log:

- the plan for how the resource rebate is to be spent for the child,
- the decision and rationale for having a child's resource rebate benefit held in trust, and
- the issuance of any resource rebate cheque to a child, including the date and the amount of the cheque (including interest).

Ensure that the electronic information system eligibility report is manually updated once a cheque is issued for a child, and update any alert that was recorded into the electronic information system.

Related Information

3.2.3 Case Closure

4.2.3 Concurrent Plan

4.2.4 Transition to Independence Plan

Resource Rebate Regulation (*Child, Youth and Family Enhancement Act*)

Alberta Resource Rebate for Children in Care Application [CS4053]

Contact Notes [CS0072]

To report a broken link click here.

Section:	**9.5 Contracted Services and Payments**	Issue Date: October 1, 2011
Subsection:	**9.5.1 Purchasing Support Services**	Revision Date: October 1, 2011
		Page 1 of 8

Policy

Referrals for external support services may be made if:

- a case is opened for assessment and the services will stabilize a crisis situation or maintain a child in their home, or
- a child has been determined to be in need of intervention per s.1(2).

Prior to referring for external support services, explore whether informal, natural or community supports could adequately meet the need and the possibility of the family paying for or sharing the cost of a service.

Purpose

Support services may be provided to meet the child's needs and ensure their well-being by a person or agency other than the caseworker. Services may be provided whether the child is living at home or out of the home.

Procedures

Prior to Purchasing Support Services

Prior to purchasing a support service, consider whether the need could be adequately met by:

- the family (they can access and pay for a service or share the costs),
- an informal or natural support system,
- a volunteer or free service available,
- a community-funded agency,
- a mental health service,
- a regionally contracted agency, or
- an agency with who the department has a standing offer agreement.

Explore other resources before assuming financial responsibility such as:

- community services
- guardians
- Health Canada (if the child is a registered Indian or recognized Inuit)
- Alberta Health Care Insurance Plan
- Alberta Works, Income Support
- Blue Cross or other private insurance plans

Indian or Inuk Child

Short-term crisis counselling is covered by Health Canada for a registered Indian or recognized Inuk child, for additional information please visit their website.

Family Arranged Services

Obtain a signed Consent to Release Information [CS0470] from the guardian where the guardian made their own arrangements and is paying for the service if the caseworker needs to obtain information, or receive the reports from the service provider.

Volunteers

Follow regional procedures and standards to select a volunteer.

Only use a volunteer approved by a casework supervisor.

Support Services

Each region establishes their own fee schedule with the support service providers they contract with.

Therapeutic Services

For assessments and therapy, make every effort to use a counsellor that belongs to a professional association (e.g. chartered psychologist or registered social worker with an MSW). Where this is not possible, utilize a counsellor with less training and accreditation who is employed by an organization that provides supervision.

NOTE: The fee for a counsellor with less training or accreditation should be at a rate lower than an accredited counsellor.

Assessments

Individual Assessments	Maximum of 6 hours.
Couple/Family Assessments	Maximum of 10 hours.
Group Therapy	Maximum group size should be 8.
Neuropsychological Assessments	Maximum 10 hours.
Parenting Assessments	Maximum of 10 hours.

May also contract for:

Report Writing	Maximum of 2 hours per report.
	Maximum of 1 hour for data analysis.
Missed Appointment Reimbursement	Maximum of 1 hour per assessment.
	Additional hours may be allowed if the service provider notifies the worker after each missed appointment.
Case Conference Attendance	Duration of the conference plus 2 hours.
Parking Fees	With receipts.
Telephone Consultations with Human Services	Hourly Rate.
Court Attendance	According to the Fees and Expenses for Witnesses and Interpreters Regulation.
	Plus 2 hours for court preparation.
Travel Outside of Urban Areas	Hourly rate.

Therapy

Individual Therapy	Maximum of 6 hours.
Couple/Family Therapy	Maximum of 10 hours.

Group Therapy	Maximum group size should be 8.
May also contract for:	
Report writing	Maximum of 1 hour per report.
Missed Appointment Reimbursement	Maximum of 1 hour per referral. Additional hours may be allowed if the service provider notifies the worker after each missed appointment.
Case Conference Attendance	Duration of the conference plus 2 hours.
Parking Fees	With receipts.
Telephone Consultations with Human Services	Hourly rate.
Court Attendance	According to the Fees and Expenses for Witnesses and Interpreters Regulation. Plus 2 hours for court preparation.
Travel Outside of Urban Areas	Hourly rate.
Family Support Services	
Youth Work	
Individual or group	Group size maximum should be 6.
May also contract for:	
Report writing	One hour per report.
Missed Appointment Reimbursement	One hour per referral. Additional hours may be allowed if the service provider notifies the worker after each missed appointment.
Case Conference Attendance	Duration of the conference.
Mileage	According to the Public Service Subsistence Travel and Moving Expenses Regulation.

Parking Fees	With receipts.
Child's Expenses	According to the Public Subsistence Travel and Moving Expenses Regulation.

Crisis One to One Worker

Mileage	According to the Public Service Subsistence Travel and Moving Expenses Regulation.

Follow regional practice when contracting the number or hours.

Family Preservation Worker, Family Support Worker and Parent Aide

Mileage	According to the Public Service Subsistence Travel and Moving Expenses Regulation.

Follow regional practice when contracting the number of hours.

Drives and Visit Supervision

Follow regional practice when contracting services for:

- Drives
  - Kilometres are paid according to the Public Service Subsistence Travel and Moving Expenses Regulation.
- Visit Supervision

Teaching and Instructional

Professional teachers, teacher aides and tutors may be contracted to support the education of a child in the care of the director.

Follow regional practices when contracting for this service.

Additional terms may include:

Case Conferences	For the duration of the case conference.

Missed Appointment Reimbursement	One hour per referral. Additional hours may be allowed if the service provider notifies the worker after each missed appointment.

Homemakers, Teaching Homemakers and Housekeeping

Follow regional practice when contracting for these services.

Translation and Interpreter Services

Follow regional practices and procedures when contracting for translation or interpreter services.

NOTE: The fees and expenses for witnesses and interpreters when contracted for a proceeding under CYFEA are regulated under the Fees and Expenses for Witnesses and Interpreters Regulation.

Other Support Services

Other support services may be contracted to support a child and their home or placement.

Follow regional practices when contracting for these services.

Purchasing Support Services

Consult with a casework supervisor prior to purchasing, or contracting, support services.

Contact the regional contract specialist for additional information about purchasing services from a service provider.

Complete a Referral and Evaluation of Service [CS1839].

Do not use this form for medical, dental, cultural or recreational services, drivers, escorts, process servers, day care or volunteers. For these services, follow regional procedures.

Standing Offers

Consult with a casework supervisor when a service provider will be used for longer than six months. If services are provided for a period longer than six months, a standing offer agreement should be negotiated. A casework supervisor pursues a standing offer agreement following regional procedures.

NOTE: A referral and evaluation of services is still required where a standing offer is in place. A standing offer eliminates the need to itemize specific costs associated with each referral.

Reviewing Purchased Services

Review and evaluate services at least every three months in conjunction with the service plan.

If services are required for longer than the maximum contract period, consult with and obtain approval from a casework supervisor.

Complete a new referral and evaluation of services if the referral objective or terms of services change.

Recording

Record all consultations with the casework supervisor, service provider and family about service provision on Contact Notes [CS0072] and/or in the contact log.

Complete the referral and evaluation of service.

Related Information

9.1.11 Medical Services Coverage
9.5.2 Payment of Purchased Services
9.5.3 Referral and Evaluation of Services

Fees and Expenses for Witnesses and Interpreters Regulation

Consent to Release Information [CS0470]
Contact Notes [CS0072]
Referral and Evaluation of Service [CS1839] – paper form only

Alberta Blue Cross
Alberta Works
First Nations, Inuit and Aboriginal Health, Crisis Counselling Benefits

Health Canada (First Nations, Inuit and Aboriginal Health)

Public Service Subsistence, Travel and Moving Expenses Regulation

Translation Bureau

To report a broken link click here.

Section:	**9.5 Contracted Services and Payments**	Issue Date: October 1, 2011
Subsection:	**9.5.2 Payment of Purchased Services**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Each CFSA or DFNA is responsible for ensuring that a service provider is paid for the services provided for a child.

Each region determines how they will authorize expenditures and ensure that service providers are paid within a reasonable amount of time.

Purpose

Service providers must be paid for the services that they provide for a child.

Procedures

Child Maintenance Invoice

All placement providers may submit allowable expenses for a child in their care on a Child Maintenance Invoice [CS0011]. A youth living independently may also utilize this form to obtain funds.

- For authorized maintenance, the form is completed without further documentation.
- For special rates, a copy of the approved Special Rate Schedule [FC0246] must be submitted with the first child maintenance invoice.
- Extraordinary expenses require a receipt and prior approval from a casework supervisor authorizing the expenditure.

Purchase Authorization and Invoice (Voucher)

Vendors who have provided goods or services claim payments on Purchase Authorization and Invoice (Voucher) [CS0018C]. Complete the following if using a voucher:

- Obtain approval from a casework supervisor or designated expenditure officer.

- Provide the vendor with a completed voucher describing the goods or services authorizing the maximum amount.
- Have the vendor submit the voucher by following the instructions on the back of the voucher.

Drivers and taxis may also be paid using a voucher. If the service will continue for an extended period, a voucher may be issued every two weeks or once a month. The driver or taxi driver completes the invoice section of the voucher and then submits for payment on an ongoing basis as services are provided.

Fee for Service Invoice

Many service providers will submit an invoice or Services Invoice [CS0158] requesting payment for a service provided. Upon receiving an invoice, ensure the invoice includes the following information:

- the child's name, ID number and date of birth,
- the service provided, dates, hours, rates and total cost,
- a description and the cost of any extra expenses, and
- receipts to justify extra expenses.

Follow regional procedures upon receiving the invoice.

Recording

Where approval is required, obtain and document approval on Contact Notes [CS0072] and/or in the contact log.

Related Information

9.1.11 Medical Services Coverage

9.5.1 Purchasing Support Services

Child Maintenance Invoice [CS0011] – paper form only

Contact Notes [CS0072]

Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Services Invoice [CS0158]

Special Rate Schedule [FC0246]

Section:	**9.5 Contracted Services and Payments**	Issue Date: October 1, 2011
Subsection:	**9.5.3 Referral and Evaluation of Services**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

A Referral and Evaluation of Services (R & E) is used for any external assessment or provision of services to the child and family.

NOTE: The R & E does not contain all clauses legally required by the Ministry that would be included in a contract (Fee for Service Agreement, Standing Offer Agreement, Residential Agreement). Therefore, wherever possible a contract must be duly executed by the Region prior to issuing an R & E.

Purpose

The R & E is used to record the reason for referral, objective, terms of service and evaluation of the service provided. It is completed before the service commences, or in an emergent situation, within three working days of the oral agreement.

Procedures

An R & E addresses the needs during the intake case and is linked with the service plan during the investigation and ongoing case.

R & E completion

Complete the R & E in support of services provided, negotiating the terms section with the family and service provider. Where a contract has been negotiated with a service provider, the terms of the R & E must be compliant with those of the contract (e.g. the term of the R & E cannot extend beyond the term of the contract).

In the case where services are required on an emergency basis, an oral agreement with the service provider may be made negotiating all terms with the family and service provider. An R & E must be completed within three working days to cover the emergency services. If the services are not covered under an existing Fee for Service or Standing Offer Agreement, and these services extend beyond three days, contact the Regional Contract Manager to determine if a contract is required.

- An R & E must be completed to access the following:
  - Services covered under a Fee for Service Agreement.
  - Services covered under a Standing Offer Agreement.
  - Other contract referrals to service providers, such as:
    - homemakers,
    - parent aides,
    - tutors,
    - in home support services,
    - interpreters,
    - youth workers,
    - assessment services, and
    - supported independent living programs.
- An R & E is to be used for drivers, escorts, process servers, day cares or volunteers from an agency with which there is a contract in place.

NOTE: Do not use for medical, dental or optical services.

When completing the terms:

- Use the rates negotiated in the contract or authorized by the region.
- Obtain the authorization and signature of a casework supervisor or manager, as appropriate, and the guardian if cost sharing.
- Attach any additional information required and send to the service provider for signature, requesting the return of one signed copy.
- Provide the guardian with a signed copy, if appropriate.

In circumstances where the family is paying for the costs of the service and the caseworker requires a report from the service provider, obtain a Consent to Release Information [CS0470] from the guardian.

Review of Services

Review services at three month intervals in conjunction with the service plan.

Complete a new R & E if the objective or terms of the services have changed or an extension is required.

Recording

Place a copy of the completed form on the child's file. At the end of the R & E term complete the evaluation section, provide a copy to the service provider and place one on the child's file.

Related Information

Consent to Release Information [CS0470]

Referral & Evaluation of Services [CS1839] – paper form only

Section:

10.1 Reciprocal Agreements for Transfer of Guardianship to/from Another Jurisdiction

Issue Date:
October 1, 2011

Subsection:

Revision Date:
May 1, 2014

Policy

S.124.1(1) provides for the Minister to enter into reciprocal agreements with other child welfare authorities, inside or outside of Canada, in order to transfer guardianship of a child under permanent guardianship to or from that outside authority.

Subsections (2) and (3) ensure compliance with respect to guardianship responsibilities and any further court proceedings under CYFEA for a child transferred to Alberta.

If a reciprocal agreement is in place with another jurisdiction, the statutory Director may:

- **transfer guardianship to that jurisdiction** for a child who is the subject of a PGO or PGA, or
- **accept the transfer of guardianship from a jurisdiction** for a child who is the subject of an order or agreement that is equivalent to a permanent guardianship order or agreement in that jurisdiction.

NOTE: Currently Saskatchewan is the only other jurisdiction in Canada that has legislation enabling such transfers and a reciprocal agreement with Alberta. Other Canadian jurisdictions are considering similar enabling legislation.

Jurisdictions outside of Canada may have enabling legislation; however, no reciprocal agreements have been completed with jurisdictions outside of Canada.

This policy does not apply to an inter-provincial transfer of a child for courtesy supervision in another province or territory.

Purpose

Reciprocal agreements expand the options for permanency planning when a child who is under permanent guardianship moves to or from another jurisdiction. This provides the ability to provide continuity of care and permanency for a child continuing to require in care services when moving to another jurisdiction.

Reciprocal agreements are linked to the Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories, (Inter-provincial Protocol). This protocol allows for the transfer of **some** authority through the arrangement of courtesy supervision and the assumption of basic maintenance to a child moving between provinces and territories.

Procedures

NOTE: The procedures that follow apply only in instances where a child under permanent guardianship has moved to, or from, another jurisdiction with which Alberta has completed a reciprocal agreement for the transfer of guardianship.

Criteria for Transfer of Guardianship

A transfer of guardianship **to another jurisdiction** with a reciprocal agreement with Alberta can occur when:

- the terms of the PGO/PGA can be met by the intended receiving jurisdiction, and
- the transfer of guardianship to the receiving jurisdiction would be in the best interests of the child.

A transfer of guardianship **to an Alberta director** from another jurisdiction with a reciprocal agreement with Alberta can occur when:

- the terms of the order or agreement can be met by Alberta Human Services, and
- the transfer of guardianship to an Alberta director would be in the best interests of the child.

Reaching a Decision to Transfer Guardianship to another Jurisdiction

Determine if the other Jurisdiction has Enabling Legislation

Before taking any actions to the transfer of guardianship of a child to another jurisdiction:

- consult with the statutory Director to determine whether that jurisdiction has enabling legislation, and
- whether a reciprocal agreement may be signed to make the transfer of guardianship feasible.

If the legislation and agreements are in place to allow a transfer of guardianship, proceed to determine if a transfer of guardianship is appropriate for the child.

Determine if Transfer of Guardianship is Appropriate for the Child

If a child under permanent guardianship is living in a permanent placement, or planning a permanent move to another jurisdiction, consideration **may** be given to a transfer of guardianship.

To determine if a transfer of guardianship is appropriate:

- Review the child's file information and the terms of the PGO/PGA and formulate an opinion about whether the transfer of guardianship would be in the child's best interests.
- Consider service needs and the opinions of:
  - the child if over 12 years,
  - the caregiver,
  - significant people in the child's life, and
  - professionals involved with service provision to the child.
- Review the option of guardianship transfer with the casework supervisor, Legal Services Branch, and the Child and Family Services Regional Director or DFNA Director, for approval to proceed.
- Obtain the position of the receiving jurisdiction regarding their acceptance of the child's guardianship and all associated responsibilities.
- Consult with the statutory Director by general correspondence (e.g. email) regarding the plan to transfer guardianship.
- If the statutory Director indicates support to the guardianship transfer proceed by preparing an Agreement to Transfer Permanent Guardianship to Another Jurisdiction [CS3451] and a summary of the child's circumstances and include the following:
  - reason for the child's intended move,

  - name and relationship of the placement facility/family,
  - the child's involvement in, and awareness of, the decisions regarding the move and transfer of guardianship,
  - agreed upon indicators used to determine that the placement is stable,
  - any special needs of the child,
  - any special services provided to the child prior to the move,
  - any special services needed in the receiving province,
  - any terms under the permanent guardianship order or agreement,
  - the records that will be provided to the receiving province, and
  - itemized projected case costs.
- Forward the completed Agreement to Transfer Permanent Guardianship to Another Jurisdiction [CS3451], and the summary of the child's circumstances to the statutory Director for review and approval.
- If approved by the statutory Director, forward the signed agreement to transfer guardianship to the regional inter-provincial coordinator or DFNA director or casework supervisor (inter-provincial coordinator) to establish contact with the receiving jurisdiction to arrange to negotiate the transfer.

NOTE: If there is any reasonable doubt that the **placement will not be permanent, the transfer of guardianship should not take place.**

If there is any indication that the child's best interests will not be met through a transfer of guardianship, consider the other options available through the inter-provincial protocol and alternate permanency planning options.

The transfer of guardianship may occur independently of the child's actual physical move to the other jurisdiction.

Negotiating the Transfer of Guardianship

To negotiate the transfer of guardianship:

- Forward the signed agreement to transfer guardianship to the inter-provincial coordinator for assistance in negotiating the transfer with the receiving jurisdiction.

The inter-provincial coordinator will arrange a case conference with the receiving jurisdiction to present Alberta's position of the transfer and provide additional information as required.

In planning the case conference:

- provide supporting documentation with sufficient time for review, as most case conferences will be conducted through telephone conferencing,
- ensure the full disclosure and discussion of the child's needs and the planning process,
- provide the transfer of first hand knowledge of the child's situation, and
- involve the First Nations designate per s.107, if appropriate.

Ensure that any terms of a PGO/PGA made in Alberta can be fulfilled or can undergo court review, with specific consideration given to any access and maintenance terms and any grandfathered joint guardianship orders.

Ensure that the receiving director understands their responsibility to fulfil the terms of the PGP/PGA.

Upon reaching the decision to transfer guardianship, the inter-provincial coordinator will forward the agreement to transfer guardianship and Summary of the Planning Process [CS3451a] and other pertinent information to the receiving jurisdiction.

The receiving jurisdiction will be asked to return a signed copy of the agreement to transfer guardianship to the inter-provincial coordinator.

Finalize Transfer of Guardianship

If the parties agree to the transfer of guardianship:

- Ensure that the agreement includes the date that the transfer is to take effect, and that the scheduling of the transfer provides sufficient time for the child to complete the move and establish reasonable stability in their new environment.
- Advise the current caregiver of the following:
    - the date the transfer takes effect,
    - the identity of the new guardian (director) and contact persons, and
    - the fact that the receiving province's supports and procedures will apply.
- Provide the receiving jurisdiction a copy of the child's intervention record with those items severed that must be severed to provide the receiving director a full record. Consult with legal counsel when severing information from the file.

- In the interest of completeness, consider all other matters that should be addressed whenever a case of a child in care is closed. These include:
  - health care,
  - treatment services,
  - maintenance,
  - pensions,
  - benefits,
  - trust accounts,
  - Child Special Allowance, and
  - monies payable to band members.

Once the signed agreement to transfer of guardianship to another jurisdiction is received and all transfer needs have been met, complete the transfer and prepare the file for closure.

Transfer of Guardianship to Alberta

When another child service jurisdiction makes contact regarding transferring guardianship of a child to an Alberta director:

- Follow the processes and forms from the originating province, keeping in mind the requirements of CYFEA and the considerations in the Alberta planning process.
- Inform the statutory Director and regional inter-provincial coordinator of the request.
- Involve the regional inter-provincial coordinator to facilitate:
  - the inclusion of a case conference/negotiation in the planning process for the transfer of guardianship and invite the parties affected by the guardianship transfer request,
  - identifying Alberta's information needs regarding the child's circumstances and needs, case costs, and terms of the order or agreement in the other jurisdiction,
  - recommending to the director whether the child's best interests will be met through a transfer of guardianship to Alberta, and
  - alternatively, consider courtesy supervision and other provisions in the inter-provincial protocol or similar to the protocol that can support the child while residing in Alberta.
- Participate in the case conferences and planning as appropriate.

- If the decision is made to transfer guardianship to an Alberta director, complete case planning for the transfer of the child to Alberta and enter the child's case details in the electronic information system.

Recording

Place copies of the transfer agreement and summary of the planning process on the child's file.

Document all contacts on Contact Notes [CS0072] and/or in the contact log.

Maintain copies of all correspondence on the file such as correspondence with the statutory Director or Legal Services Branch.

Prepare the file for closure ensuring that the transfer agreement, summary of the planning process and all other attachments are filed with the closing summary.

Update the electric information system showing that the file has been closed.

Related Information

1.2 Releasing Information

3.2.3 Case Closure

3.2.4 Leaving the Care and Custody of the Director

8.1.2 Legal Representation for Children and Youth

10.2 Inter-Provincial Placements

Agreement to Transfer Permanent Guardianship to Another Jurisdiction [CS3451]

Summary of the Planning Process [CS3451a]

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories

To report a broken link click here.

Section: **10.2 Inter-Provincial Placements**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 5

Policy

A child under permanent guardianship may be considered for an out of province placement.

A child under temporary guardianship may be considered for an out of province placement only **in exceptional circumstances.**

A child under a custody agreement **may never** be transferred to an out of province placement.

Purpose

Inter-provincial placement of a child provides expanded options for placements and permanency for a child.

S.121(3)(d) allows a director to delegate responsibilities to another government.

S.121(4) authorizes the director to receive delegated responsibilities from another government.

S.125 provides that a certified copy of an order from another jurisdiction has the same force and effect in Alberta as if the order was made in Alberta, as far as the order is consistent with CYFEA.

The **Inter-provincial/Territorial Protocol on Children Moving between Provinces/Territories** (Inter-provincial Protocol) provides the framework for a child moving between provinces and territories, and requests for services and/or courtesy supervision from another province.

The intent of the Inter-provincial Protocol is to provide a smooth transition of services to children and families moving between provinces and territories.

Each province and territory has a central inter-provincial contact person who coordinates inter-provincial placements and requests. The contact persons are identified in the Inter-provincial Protocol.

In Alberta there is a Ministry inter-provincial contact, and each CFSA and DFNA has a regional inter-provincial contact person. Inter-provincial activities are managed primarily by the regional inter-provincial contacts, and the Ministry contact person is involved only when a matter requires Ministry level involvement.

Procedures

Child Moving out of Alberta

If a child is being considered for a move out of Alberta, submit a transfer request to the manager, well before the planned move date. Include in the request:

- the legal status of the child,
- the birth registration,
- the guardianship order and any directly related orders,
- an up to date assessment record, with referral source and third party information removed,
- an up to date medical report completed within the last year,
- the views of the guardian if the child is under temporary guardianship,
- an explanation of the extraordinary circumstances that require the move, if the child is under temporary guardianship,
- the views of the child if the child is 12 years of age or older,
- how the child's relationship with the natural family will be maintained,
- how the move supports the child's permanency plan,
- how the goals of the concurrent plan can be met in the new location, and
- the views of the band or First Nations, as determined by consultation with the First Nations designate per s.107.

If the child **is moving with** their current foster care or kinship care provider (placement provider) also include:

- a home study report and a recent review of the care provider,
- a description of the child's relationship with their current foster or kinship care provider (placement provider), and
- information about why adoption or private guardianship is not being pursued by the placement provider.

If the child **is moving without** the placement provider also include:

- the placement plan or needs,
- a home study request regarding the proposed caregiver or a placement request that describes placement characteristics required to meet the needs of the child, and
- the services required to integrate the child into the proposed placement.

The manager shall provide a written response within 10 days of receiving the request. If the manager agrees with the move:

- Send the request package to the regional inter-provincial contact who forwards the request to the receiving province according to the Inter-provincial Protocol.
- Plan the move and complete the transfer in accordance with the Inter-provincial Protocol and the involvement of the inter-provincial contacts.
- The inter-provincial contact will provide a completed Consent by a Director or Authorized Delegate [CS2047] to the receiving province.
- Bill any charges that Alberta is responsible for to the child's file.

If the child is moving with a placement provider:

- Advise the placement provider that the move will not officially be considered final until their home is approved in the receiving province.
- Advise the placement provider that maintenance and support will be set according to the receiving province's criteria.
- Once the placement provider is approved in the new jurisdiction the foster or kinship support caseworker will provide pertinent file information to the caseworker in the receiving province.

Upon transfer of the child:

- maintain an open file for the child,
- cancel the special allowance, and
- review and respond to any reports from the supervising province.

Child Moving to Alberta

If a child in care from another province or territory is moving to Alberta:

- that province sends a request to monitor and supervise the placement to the regional inter-provincial contact,
- the inter-provincial contact forwards the request to the appropriate office, and

- the receiving office provides a written response to the inter-provincial contact within 30 days.

If the child is to move to a family not currently approved as a placement provider:

- complete a home study report of the family, as outlined in the Placement Resource policy manual,
- make a recommendation about the suitability of the placement, and
- forward the home study report and recommendation to the inter-provincial contact.

Only place the child in the home per licensing or approval requirements as outlined in the Placement Resource policy manual.

If the child requires a placement:

- locate the most suitable placement, and
- inform the inter-provincial contact of the placement.

The inter-provincial contact decides whether to accept the transfer, discusses this decision with the requesting province and informs the office of the decision.

Once the child has been placed in Alberta, provide the same services as are provided to all children in care, and:

- apply for the special allowance,
- make major case plan or non-emergency placement changes **only in consultation** with the guardian province, and
- send correspondence to the guardian province via the inter-provincial contact or directly to the caseworker as appropriate.

Provide care and maintenance until:

- the guardianship or custody expires,
- the child reaches the age of 18 years, or
- when the two provinces mutually agree to terminate support.

Recording

Complete records for the paper file and update the electronic information system as required.

Related Information

9.4.2 Obtaining Funding to Maintain a Child in Care

Enhancement Policy Manual – Adoption

Enhancement Policy Manual – Placement Resources

Consent by a Director or Authorized Delegate [CS2047]

Contact Notes [CS0072]

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories

Section:	**10.3 Administrative Requests from other Regions and Jurisdictions**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 2

Policy

Regions have a responsibility to respond to reports and referrals from other regions and jurisdictions for courtesy activities and administrative requests. Administrative requests may include serving notices, witnessing consents and conducting home studies.

Purpose

Provision of services on behalf of other regions and jurisdictions provide a better coordination of supports and services to children and families.

The **Inter-provincial/Territorial Protocol on Children Moving between Provinces/Territories** (Inter-provincial Protocol) provides the framework for administrative requests and courtesy activities from another province or territory.

Procedures

Administrative Requests from other Regions and Jurisdictions

Upon receiving an administrative request, provide a timely response according to the Inter-provincial Protocol or the Inter-Regional/DFNA policy.

If the request is for a home study:

- complete a home study report according to the format used in the region,
- emphasise what is relevant in the request, and
- answer any specific questions asked in the request.

If there is a disagreement over the request, refer the matter to a casework supervisor for resolution. The casework supervisors in the originating and receiving jurisdictions shall use the dispute resolution process identified in the Inter-provincial Protocol or the Inter-Regional/DFNA policy.

Recording

Record contacts on Contact Notes [CS0072] and/or the contact log.

Complete other recording appropriate to the request and place copies of all documentation on the child's file.

If there is no open file for a child, follow regional standards for filing the documentation.

Update the electronic information system as applicable.

Related Information

10.5 Inter-Regional/DFNA

Contact Notes [CS0072]

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories

To report a broken link click here.

Section: **10.4 Repatriations**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

Regions are responsible to provide repatriation services to a child who is lost, has fled, or has been abducted from their home. The worksite responsible for the area where the child is located is responsible for the repatriation.

Purpose

Repatriation services for a child provide a means to return a child to their home and guardian.

The **Inter-provincial/Territorial Protocol on Children Moving between Provinces/Territories** (Inter-provincial Protocol) provides the framework for the repatriation of a child to another province or territory.

Procedures

Repatriating a Child within Alberta

To repatriate a child within Alberta:

- Determine that the child is under 16 or is in the care of the director.
- If the child is in the care of the director, contact the supervising office or placement provider and in consultation with this resource, arrange to repatriate the child.
- If the child is in the care of a guardian who is willing and able to resume care, arrange with the guardian to repatriate the child.
- If the guardian cannot be located or is not willing or able to resume care, assess the child's need for intervention.
- If the child is not in care, determine whether the child needs to be taken into care to facilitate the repatriation; consider apprehension under s.19 when,
    - the child is under 16 years, or

  - if the child is 16 years of age and older:
    - there is no consent from the guardian for the repatriation, or
    - there is no consent from the child for the repatriation.
- If a child is apprehended under s. 19 to facilitate the repatriation:
  - a court application is not required if the child is returned to the guardian within two days.
- If the child is apprehended and not returned home within two days:
  - schedule a hearing within 10 days of the apprehension,
  - apply for an order to return the apprehended child, or other order that may be appropriate,
  - effect service as required per s.21, and
  - withdraw the application, if no further intervention needs are identified.
- Contact the worksite responsible for the area where the guardian lives to form a plan to return the child and assume responsibility for the child.
- Proper supervision must be provided while waiting and during any stopover during the transportation of the child for repatriation.

Repatriating a Child to or from another Province or Territory

To repatriate a child from another province or territory, refer to the Inter-provincial Protocol for directions.

NOTE: The Crisis Unit in Edmonton or the SSRT in Calgary can offer advice to any office regarding contacts in other provinces. They may also supervise stopovers or otherwise assist.

Repatriating a Child to or from the United States

To repatriate a child to or from the Unites States, follow the same procedures as for a child from another province with the following exceptions:

- Have the resident state arrange any stopover and transfer supervision needed in the United States.
- Request a pre-paid airline ticket from the resident state.

Recording

Record all activities on Contact Notes [CS0072] and/or the contact log.

Update the electronic information system with any legal authority or placement changes.

If the child is in care in Alberta, update the electronic information system as applicable.

If the child is in care in another jurisdiction, provide a summary of supports, services and any recommendations to that jurisdiction.

Related Information

5.3.1 Apprehensions

10.5 Inter-Regional/DFNA

Contact Notes [CS0072]

The Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories

To report a broken link click here.

Section:	**10.5 Inter-Regional/DFNA**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 13

Policy

The CFSAs and DFNAs have made a commitment to work together to provide seamless, timely, effective and culturally appropriate services to children and families who relocate between regions. The safety, protection and best interests of children are the primary considerations in all decisions and provision of services.

When children are receiving intervention services, the case may transfer to another CFSA or DFNA for a variety of reasons, including the relocation of the child, family, or caregiver.

- The legal status of the child, the permanency plan, and where the guardians or extended family members reside determine who assumes case management responsibility for the file.
- Movement of children and families should be planned and services coordinated in advance with appropriate notice provided to the receiving inter-regional contact. Involve the child and family in the planning as much as possible.
- Families may relocate without the director's knowledge. When it is discovered that a child or family has moved without notifying the director and a file transfer is required, make contact with the receiving region's inter-regional contact within one working day of learning of the move.
- If there is a concern that the relocation may place a child at risk, or if the family's whereabouts are unknown and they moved before an assessment of the child's need for intervention could be completed, place an alert in the electronic information system.

Purpose

The procedures set out in this policy are intended to:

- define inter-regional relationships,

- complement any established local protocols negotiated between CFSAs and DFNAs,
- ensure that CFSAs and DFNAs are notified of the relocation of children and families who require child intervention services,
- ensure the timely and effective flow of information, funds and documentation, and
- enable the sharing of resources and facilities.

Guiding Principles

- Residency will not be a barrier to the provision of services to children and families. The first priority is the safety and healthy development of Albertans who require child intervention services.
- Services are delivered in an integrated and culturally sensitive manner.
- Every effort will be made to maintain continuity of supports and services to children and families.
- The spirit and intent of the policy will be honoured by working collaboratively, consulting and negotiating services in advance.
- Decisions concerning case planning and resources must support the interests and permanency of the child and meet the needs of the family.
- Recording shall be consistent with and adhere to the provincial file standards to ensure the timely and effective flow of information for children and families who move between regions.
- Regionally specific processes, directives and policies beyond provincial requirements will not impede the timely transition of services and supports to children and families.

Procedures

Definitions

Inter-regional	**Designates interactions between CFSAs and DFNAs, CFSAs and CFSAs, and DFNAs and DFNAs**
Region	Refers to any CFSA or DFNA
Receiving Region	The CFSA or DFNA that has been asked to provide or is providing services at the request of a sending CFSA or DFNA
Sending Region	The CFSA or DFNA that requests services from a receiving region
Residency	A person resides in the CFSA region or DFNA reserve where they ordinarily live

Change of Residency	A person changes residency when they leave one region and establish residency in another.
Non-Resident Authority	The CFSA or DFNA that uses services in another region's geographic area
Days	Calendar days, unless otherwise noted

Partners

- Ten CFSAs
- 18 DFNAs
- The Department
- Métis Nation of Alberta Association
- Métis Communities and Families

Transfer Considerations

Consider the following when determining if a transfer of a file to another CFSA or DFNA is appropriate:

- the best interests of the child and family,
- the level of supports and services required to meet the needs of the child and family,
- that there is a minimum of one month remaining in an agreement and at least two months remaining in a court order for a temporary status,
- the child has been in the receiving region for at least 30 days and no court action is pending, and
- the family has lived in the new location for at least 30 days.

Key Transfer Activities

- Whether the move was planned or not, the sending region will contact the receiving region and share all pertinent information, including long-term and permanency plans, and arrange a transfer conference.
- The inter-regional contacts will ensure that coordination occurs with the appropriate worksite and casework supervisor.
- The receiving casework supervisor will review the current assessment information, the service plan and any interim plan that was developed.

- If there is agreement between the sending and receiving supervisors to transfer the case, then the sending and receiving caseworkers will discuss:
    - any questions arising from the review of the assessment records and any other pertinent documents,
    - the service plan for the family,
    - the availability of previously utilized resources and alternatives in the receiving region, and
    - arrangements for the child, family and/or caregiver to attend the transfer conference.
- The paper file should be transferred within 10 working days after the agreement to transfer the file is reached, or by an alternate, mutually agreeable date negotiated by the sending and receiving supervisors.
- If there is a delay in transferring the file, the sending caseworker will document an interim plan for services that is agreed upon during the transfer conference. Ensure that all participants, including the child, have input into and are provided with a copy of the plan. This plan will be in place until the file is transferred.
- The sending supervisor will ensure that the file is complete per provincial requirements, send the paper file and release the electronic file.
- Case management responsibilities are transferred to the receiving region when the receiving supervisor accepts the file on the electronic information system.

Case Transfer Conferences

A case transfer conference should occur before the move or as soon after the move as possible. The child and family should be included in the conference, along with the sending and receiving caseworkers and other members of the support team. The purpose of the conference is to introduce the child and family to the receiving region staff and as well as to discuss the service plan and resolve any issues that might have arisen.

A face-to-face conference is preferable, but video-conference or telephone conference are acceptable alternatives when meeting face-to-face is not possible.

File Standards

All files must adhere to the provincial file standards. The sending supervisor will ensure that current assessment information is on the file, including:

- a current genogram (three generations)

- an up-to-date service plan, and
- a completed case transfer.

The sending supervisor is also responsible for ensuring that the case transfer information is updated in the electronic information system.

> NOTE: No file will be refused because it does not meet regional standards as long as it meets provincial standards.

Considerations for the Transfer of Intervention Files

Safety Assessment Phase

If a family moves during either phase of the safety assessment, the sending and receiving regions will collaborate to ensure the completion of the assessment and that the child is not re-interviewed unnecessarily.

Family Enhancement Agreement

The receiving region will honour the terms of the original agreement and review the family enhancement plan with the family.

If either region determines that the child is at heightened risk as a result of the move, review the case with the casework supervisor to determine if the case should be referred for investigation.

Enhancement Agreement with Youth

If a youth who has entered into an EAY intends to move to another region, or when planning for a youth to reside in another region, the sending casework supervisor must notify the inter-regional contact in advance.

The receiving casework supervisor will review the assessment information, the expectations, the needs of the youth and the appropriate plans, and will consent to the transfer where appropriate.

The sending and receiving casework supervisors will determine the supports and resources required. A transfer conference, including the youth and the sending and receiving caseworkers, must occur to review the transition to independence plan, place of residence, services, supports and funding.

Supervision Orders

If a family moves while under a supervision order, the receiving region must ensure that the terms required of the director in the supervision order are met. If the receiving community does not have the supports and resources required to meet the terms of the order, the sending casework supervisor will negotiate alternatives with the receiving region and family. This may include returning to court to have the terms of the order reviewed.

If either region determines that the child is at heightened risk as a result of the move, review the case with the casework supervisor to determine the most appropriate action.

Temporary Guardianship Order

Prior to deciding to transfer a file when a child is under a temporary guardianship order, give careful consideration to the permanency plan, including education, access/visits and the length of the order.

Permanent Guardianship Order

When an application for PGO is before the court, the sending region will complete the court process before transferring the file, unless otherwise negotiated by the sending and receiving supervisors.

Support and Financial Assistance Agreements

The region where a young adult resides is responsible for the support and financial assistance file. The relationship is adult to adult; therefore all components of services provided must be negotiated.

If the young adult frequently resides between two regions:

- determine which region will assume primary responsibility for the file,
- negotiate a plan for supports with the other region and the young adult, and
- ensure that the young adult has access to a support person in both regions.

Considerations for File Transfers from CFSAs to DFNAs

The DFNAs operate under a governance structure consisting of a Board of Directors who is responsible to oversee the administration and operations of the Agency. The boards are appointed by and accountable to their respective Chief and Council.

Jurisdictional and delegation considerations may arise when a file is transferred from a CFSA to a DFNA. Unique funding arrangements, resource limitations and cultural implications may affect the file transfer process.

Consultation with the DFNA Director or their authorized delegate **must** occur prior to placing a child or transferring a file ensuring that the DFNA can meet the needs of the child and family. The region specific First Nations Liaison Unit staff person may assist in facilitating case transfers involving DFNAs.

NOTE: A non-delegated First Nation is a First Nation that does not have a service delivery agreement with the Province of Alberta to deliver child intervention services. Services to these children and families are provided by the CFSA in which the reserve (or specified community) is located.

Cultural Importance

CFSAs must review the respective cultural practices and operating procedures with the DFNA Director or their authorized delegate prior to engaging in a service involving their member children. It is important to recognize that the organizational structure and cultural protocol of each First Nation is unique and independent. There is diversity among history, experiences, traditions, culture, ceremonies, languages, spirituality and beliefs.

The Métis people also have a unique cultural, familial, social and spiritual heritage. When an individual identities themselves as Métis, it is important that the CFSAs and DFNAs promote the involvement (with guardian consent) of a Métis resource to assist in planning for the child and family.

Arrangement for the Funding and Administration of Social Services

The Arrangement for the Funding and Administration of Social Services (the Admin Reform Agreement) between Canada and Alberta ensures that all Treaty Indians in Alberta have access to the same or a comparable level and range of social services regardless of whether they live on or off-reserve. The Admin Reform Agreement clearly sets out the respective funding and administrative roles of Canada and Alberta in relation to the provision of services to Treaty Indians in the province under CYFEA.

On/Off Reserve Verification

A verification process is in place in policy to determine the on/off reserve residency status of a child. The Admin Reform Agreement provides the legal definition of a child who is “ordinarily resident on-reserve” and “ordinarily resident off-reserve.” These definitions are used to determine funding responsibilities for services.

- Human Services provides funding for delivery of intervention services to all Treaty Indians deemed “ordinarily resident off-reserve” in Alberta.
- Indian and Northern Affairs Canada (INAC) is responsible for funding and arranging for the delivery of intervention services to First Nation members “ordinarily resident on-reserve” comparable to provincial social services available to all other Albertans.

Billing Procedures and Protocols

Ensure permanency planning discussions include consideration of the funding arrangements unique to the funding agreement of a specific DFNA. Inquire regarding the agency’s capacity to provide supports for permanency funding.

Protocols have been established to set out the DFNA arrangements for billing costs for services in accordance with the Admin Reform Agreement. These are arranged individually with each DFNA, CFSA and INAC.

Courtesy Services and Activities

CFSAs and DFNAs are encouraged to negotiate courtesy services in the best interests of a child in advance. The expectation for courtesy services is that the sending casework supervisor contacts the receiving casework supervisor to make the formal request and negotiate financial arrangements on a cost recovery basis. Regions may determine in advance that reimbursement is not required.

When a receiving region agrees to provide courtesy services on behalf of a sending region, both regions will sign and maintain file copies of the negotiated Agreement for the Purchase of Services [CS4054]. The receiving region will bill back the sending region on a quarterly basis unless otherwise negotiated.

Courtesy services and activities refer to short-term services provided by a CFSA or DFNA other than the responsible region. This may include, but is not limited to:

- provision of supervision or repatriation of an AWOL child,
- service of documents,
- witnessing consents,
- meeting children, guardians or individuals being transported through the region, and
- supervising layovers.

The receiving region will document the activity that was conducted on Contact Notes [CS0072] and forward a copy to the sending caseworker for the file.

Courtesy services and activities may include:

- courtesy supervision on a longer term basis when the child is residing in another region and the criteria for file transfer has not been met (e.g. the child is under a temporary in care status and placed in the receiving region while the family lives in the sending region), or
- courtesy service to and supervision of a child placed in a specialized facility where distance prevents adequate intervention supports by the responsible caseworker.

Courtesy supervision in these circumstances would involve general caseworker responsibilities appropriate to the child's needs and intervention status. Original documents, such as contact notes, service plans and medicals shall be sent to the caseworker responsible for the main file with copies retained on a skeleton file.

Family Violence and Safety Plan

Timely, consistent and ongoing collaboration between regions is essential in working with child victims of family violence in order to provide seamless services and coordinated supports.

- The sending region will inform the receiving region of all safety plans, custody issues, conditions on court orders and plans supporting safe access to children.
- When the safety plan specifically includes a decision to relocate, ensure the receiving region is involved in the planning process from the beginning.
- The sending region is responsible for communication with law enforcement and the justice system to ensure the abuser is kept accountable.
- When relocation has already occurred, the above information must be communicated immediately to the receiving region.

Temporary Visits to a Receiving Region

When a child in care will be visiting another region and the receiving region is asked to assume some responsibility during the visit, the sending region will request services at least 30 days prior to the visit. In the event of an emergency or for compassionate reasons (e.g. death of a family member), a sending region may request services at the time a child is visiting in the receiving region.

The sending region will provide the following information:

- name, date of birth, address and legal status of the child,
- name, address and phone number of the caregiver/contact in the receiving region,
- name, address and phone number of a contact person in the sending region,
- specific requests for services, and
- particular circumstances or issues that the receiving region should be aware of.

Temporary Placement in a Residential Care Facility

Prior to placing a child in a residential care facility in another region, the sending region shall consult with the receiving region to determine:

- if the facility is licensed and which region has a contract,
- if there are any concerns that the receiving region has about the use of the facility by another region,
- the availability of appropriate community services and resources in the receiving region, and
- the availability of the receiving region to adequately provider courtesy supervision.

When a child or youth is placed in a residential care facility in a receiving region:

- The sending region shall notify the receiving region of the placement in advance, or where advance notice is not possible, in writing within seven working days from the date of placement.
- Regardless of the length of stay or status, the placement shall be considered temporary and the sending region will retain financial and casework responsibilities.
- The sending region will negotiate the level of courtesy supervision required with the region where the facility is located, taking distance into account.
- The sending caseworker will participate in facility conferences such as placement, review and discharge. Video and teleconferencing may be utilized for this purpose.

Placement Disruptions

Residential Care Facility

In the event of a placement disruption in a residential care facility the sending region may request that the receiving region:

- provide or arrange emergency care until the child is returned to the sending region or a facility approved by the sending region, and
- assist with the repatriation to the sending region.

NOTE: Costs directly related to repatriating the child are the responsibility of the sending region. These costs do not include salaries and operating costs.

Foster Care and Kinship Care

When the placement of a child in a foster home or in the home of a parent, relative or significant person in a receiving region is disrupted, the sending and receiving regions will renegotiate a plan of care or services plan that is in the best interests of the child.

Placement Decisions

The sending and receiving regions will consider the following factors in determining whether a child should remain in the receiving region or be returned to the sending region:

- length of time in the receiving region,
- where parents, guardians, family members or significant others reside,
- the opinion of the child, where age and developmentally appropriate,
- the needs of the child and the ability of each region to meet them,
- for an Aboriginal child, access to his or her cultural heritage, and
- confirmation that the sending region has involved the appropriate First Nation, Métis Settlement or Aboriginal organization as required.

The receiving region will make all non-emergency placement changes in consultation with the sending region. In the event of an emergency, the receiving region will address the placement needs and notify the sending region of any emergency placements by the next working day.

Requests to facilitate the return of the child to the sending region must be based on the best interests of the child and a review of the factors listed above. The sending region shall facilitate the return of a child.

Foster Care or Kinship Care Provider Moves with Child in Care

When planning for a child to move with a foster care or kinship care provider, the sending region shall:

- notify the receiving region in writing at least 30 days prior to the move,
- obtain general information from the receiving region regarding the services available to support the child and the placement provider, and
- inform the placement provider of the available services.

Home Study

When a potential placement has been identified for a child another region, the sending region will have a preliminary conversation with the potential placement provider to:

- explain the circumstances regarding the child,

- explore any interest in providing care for the child,
- if an interest is expressed obtain verbal consent to proceed with an intervention record check,
- follow up with written consent, and
- request that the receiving region complete the home study report.

The sending casework supervisor will make a request to the receiving casework supervisor to have a home study report completed. Where the sending region requests home studies on more than one home, the receiving region will complete a preliminary environmental safety check on all of the potential placements and recommend the most appropriate placement, if any. If there is agreement to proceed with the home study, it will be completed within 60 days unless otherwise negotiated.

The receiving region will arrange for the completion of the home study and the sending region will pay for the service, according to the established rates of the receiving region, including subsistence and mileage, unless otherwise negotiated.

The receiving region will collaborate with the home study writer so that the home study report reflects the regional, community and cultural norms, etc. The receiving region will engage with the potential caregivers as they would any other local applicant. If the home study report supports the placement the receiving region will complete all of the remaining approval requirements. Both regions should have input into the decision regarding placement, but the final decision rests with the sending region.

Supports to the CFSAs and DFNAs

Inter-Regional Contact

Each CFSA and DFNA has designated an inter-regional contact, who will act as the key regional contacts regarding inter-regional matters. Contact information for inter-regional contacts should be kept current on Worklinks.

Provincial Coordinator

The Ministry Inter-provincial contact is the provincial coordinator for inter-regional matters. Inter-regional contacts may submit information on issues arising with any of the processes outlined in this policy. The manager will schedule and chair meetings of the inter-regional contacts at least twice per year to discuss the issues and challenges, review the policy and make recommendations or provide updates to the Provincial Enhancement Table.

First Nation Liaison Unit (FNLU)

The FNLU provides support to strengthen the capacity of the DFNAs and to promote collaboration and facilitate the relationship between the DFNAs and the Department. Each DFNA has support persons identified within the FNLU.

Related Information

2.1.1 First Nations Designate
2.1.4 On/Off Reserve Verification
2.2.1 Métis Resource
3.1.3 Safety Phase
3.2.2 Case Transfer
4.2.6 Permanency Planning

Child and Family Services Authorities Act
Drug-endangered Children Act
Family Support for Children with Disabilities Act
Freedom of Information and Protection of Privacy Act
Métis Settlement Act
Protection Against Family Violence Act
Protection for Persons in Care Act
Protection of Sexually Exploited Children Act

Agreement for the Purchase of Services [CS4054]

Aboriginal Initiatives Branch – First Nation Liaison Units Listing

To report a broken link click here.

Chapter 11: Restrictive Procedures and Intrusive Measures

Section: **11.0 Restrictive Procedures and Intrusive Measures Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 4

Overview

When the director has guardianship and/or custody of a child, the director is responsible for the child's care, maintenance and well-being. It is against this legal backdrop and pursuant to this authority that the Director must decide when or if it is appropriate to use restrictive procedures and intrusive measures.

Children must be provided with services in a safe, respectful environment which both protects them from harm from self or others as well as upholds their rights as individuals.

All services should be provided within a context of constructive relationships that engage and empower children and as much as possible promote their care and welfare.

- Use positive behavioural interventions to deescalate potentially violent/ aggressive situations. When positive behaviour intervention alone is not sufficient in managing the situation, the use of restrictive procedures, may be necessary.
- Support and uphold the individual rights of children served. The use of intrusive measures which may undermine these rights should be used only to protect the physical safety of the child or others or to pursue their greater best interest.

The purpose of this group of policies is to define parameters for the use of these interventions.

Definitions

Restrictive procedures: Are physical interventions which limit the free movement of children and include both restraints and isolation.

Intrusive measures: Are interventions which limit the child's access to events, relationships, privileges or objects that would normally be available to them or in some way restrict the child's employment of or access to a particular right or entitlement. This includes, but is not limited to:

- monitoring or restricting private communication,
- surveillance,
- room searches,
- personal searches, or
- restricting access to or confiscating personal property.

Professional judgment: The process of informed decision making which draws on relevant experience and an accepted body of knowledge around practice within an understanding of existing policy, practice and accreditation standards.

Duty of care: Is the legal principle that identifies the obligation that an individual or organization owes to others. Negligence is the failure to use due care, which is the amount of care that would be taken by a reasonable person in the circumstances.

Principles Underlying the Use of Restrictive Procedures and Intrusive Measures

The following principles underpin good practice as it relates to restrictive procedures and intrusive measures:

- the safety and well being of children served are of paramount importance
- the rights of children should be fully respected
- children must be given the opportunity to participate in decision making and should be given the information and support necessary to express their views
- an analysis of personal history (both social and medical) and its impact on challenging behaviours should inform intervention strategies
- all interventions used must be appropriate to the child's age and developmental capacity

Both restrictive procedures and intrusive measures have negative consequences. They may impact the rights of children in care, and must be used judiciously, be time limited, and fully reviewed upon utilization. Additionally, restrictive procedures may pose significant risks and therefore are interventions of last resort.

Restrictive Procedures Are High Risk Interventions

Restrictive procedures, unlike intrusive measures, are high risk interventions. Risks associated with the use of restrictive procedures include, but are not limited to:

- physical injury, including death, of the child,
- psychological trauma to the child,
- alienation of clients from staff,
- physical injury of staff,
- psychological harm to staff, and
- civil and legal liability to organizations and individuals.

The use of any restrictive procedure requires the use of professional judgment to balance the obligations that come with a duty of care against the inherent risks of using restrictive procedures. Professional judgment is the key to deciding on the most appropriate course of action to ensure safer outcomes for those served and others in situations that pose a risk of serious harm.

Minimizing the Use of Restrictive Procedures

Many children receiving services will have personal histories that involve traumatic and damaging experiences which leave them with impaired self-control. They may experience fear, anger or pain which leads them to act aggressively or violently.

Using restraint or isolation, at the right time, in the right way, may be the most appropriate form of intervention in limited circumstances. Situations may arise where the use of a restraint or isolation is necessary to ensure the safety of a child or others.

In order to limit and reduce the use of restrictive procedures with children served, all programs and services need to base their activities on a model utilizing primary, secondary, and tertiary prevention.

Preventative Strategies

Primary prevention includes strategies which promote a culture of safety and respect, which aim to prevent violence/aggression before it occurs. Clear documentation regarding what strategies are considered, as well as rationale for the decision to employ or not employ a strategy and the results will assist in future planning for prevention of violence/aggression.

Secondary prevention is action taken to prevent violence/aggression when it is imminent and includes:

- training caregivers in behaviour management techniques and the use of de-escalation skills,
- developing and applying behaviour support plans for individual children,
- setting goals for the reduction of the use of restrictive procedures, and
- keeping a record of the use of any restrictive procedures per s.127.

Tertiary prevention aims to minimize the negative impact when restrictive procedures are required and includes:

- utilizing the least restrictive intervention for the shortest possible time that will be safe and effective,
- monitoring and addressing the child's basic physical and emotional state during the use of a restrictive procedure,
- debriefing the use of restrictive procedures with both children and caregivers to provide support and facilitate learning, and
- keeping a record of the use of any restrictive procedures per s.127.

Related Information

Canadian Charter of Rights and Freedoms

UN Convention on the Rights of the Child

Chapter 11: Restrictive Procedures and Intrusive Measures

Section: **11.1 Restrictive Procedures**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 10

Policy

Restrictive procedures, specifically restraints and isolation, may only be used:

- to ensure the immediate physical safety of the child or others,
- when no less intrusive intervention will avert the danger,
- when least control necessary for the shortest possible time is utilized, and
- as appropriate for the child's age, level of development, medical health and psychological status.

Purpose

When the director has guardianship and/or custody of a child, the director is responsible for the child's care, maintenance and well-being. An array of approved intervention strategies is required to deal with violent and aggressive behaviour exhibited by children. Restrictive procedures are high risk interventions and therefore are to be used only as measures of last resort.

Procedures

Definitions

Physical Restraint: The manual application of force to an individual without their permission to restrict freedom of movement in order to prevent physical harm to self or others. This includes, but is not limited to:

- Physical escort – the use of force to hold an individual to overcome the individual's active resistance to a move.
- Face-down restraint – the subject is horizontal and face-down.
- Supine restraint – the subject is horizontal and face-up.

- Seated restraint – the subject is seated on the floor, a chair, or on any other surface.
- Standing restraint – the subject remains standing.
- Floor restraint – the subject is on their side on the floor.

Mechanical restraint: The use of any physical device to control behaviour and restrict movement for the purpose of preventing harm to self or others. This excludes orthopedically prescribed devices and protective helmets. It may include, but is not limited to:

- Any form of strap or tie, including plastic zip ties or rope
- Handcuffs
- Hobbles

Chemical restraint: The use of any psychoactive medication to control behaviour or restrict the individual's freedom of movement that is **not** a standard treatment for the individual's medical or psychiatric condition. This may include, but is not limited to:

- The use of PRN (prescriptions to be used on an "as needed" basis) without consultation with a medical practitioner or without clear written medical direction (such as over the counter medication and herbal remedies without consultation with the child's prescribing physician).
- The use of experimental treatments/medications prescribed by a physician without clear rationale for the determination of the use and ensuring that the medication is appropriate and safe for the child (e.g. drugs not approved for the treatment of minors or drugs used for treatments for which they are not intended).
- The use of PRN without the child exhibiting the behaviours or symptoms it is intended to treat (medications that are prescribed for a child used in the absence of the symptoms it is intended to treat or without clear written direction for when the PRN should be administered).
- The use of PRN without the consent of the child.

Isolation room: Locked confinement of a child or physically preventing the child from leaving a space for the purpose of preventing harm to self or others.

The director's approval is required to establish an isolation room, and isolation can only be used to ensure safety: the use of isolation requires adult supervision and must follow the director approved directions. Rooms established by child and youth facilities for the purpose of isolation must be designed specifically for the intended purpose, be assessed for safety, and the facility must comply with s.24(1) of the Residential Facilities Licensing Regulation. They must meet all relevant fire and safety codes. A child's bedroom may not be used for isolation.

NOTE: An isolation room is only permitted in intensive treatment programs and secure services facilities.

Time Outs

Time outs are distinct from isolation. Time outs are not restrictive procedures as defined above

- Inclusionary time out is the involuntary separation of an individual from their peers in the presence of their peers.
- Exclusionary time out is the involuntary separation of a child in a designated area away from their peers but from which they are not prevented from leaving.

Notification Procedures at Intake

Upon intake to the facility, the child and director must be made aware of the program's policy with respect to the use of restrictive procedures.

The child and director will be informed:

- of the circumstances under which a restrictive procedure may be used,
- of the actions caregivers must first take to attempt to defuse the situation and avoid the use of a restrictive procedure,
- about who can initiate and implement a restrictive procedure,
- about the restrictive procedures which may be used, including a description and demonstration,
- under what circumstances the restrictive procedure will come to an end, and
- of the grievance procedure to report an inappropriate restrictive procedure.

The child and director will also be given the opportunity to view the isolation room, if the facility has one.

Assessment Procedures at Intake

Upon intake to the facility, information regarding the child's medical and trauma history will be gathered and assessed in order to better support the child, minimize the use of restrictive procedures and reduce the risks associated with their use.

Gather information on:

- the child's past history of violence/aggression and exposure to violence

- events that may trigger violence/aggression
- techniques likely to assist the child to regain control
- personal history related to past trauma including emotional injury, physical or sexual abuse
- pre-existing medical conditions or physical disabilities that may increase the risks associated with restrictive procedures.

Plan of Care

S.20(2)(d) of the Residential Facility Licensing Regulation requires the development of a plan of care for children placed in child and youth facilities.

As part of the plan of care, develop a behaviour support plan which will identify potential problem behaviours, known triggers for such behaviour, and appropriate de-escalation techniques which have been proven effective with the child in order to reduce the need to utilize restrictive procedures. The plan will provide guidance based on the child's medical and trauma histories.

Ensure that all caregivers dealing with the child are familiar with the child's behaviour support plan. Caseworkers are to work with foster and kinship care providers, and their support worker, on child specific planning to address the child's behaviour and management, including supports and resources that may be required.

Subsequent to the use of any restrictive procedure, review and amend the child's behaviour support plan.

Caregiver Training

Any person who may be required to implement a restrictive procedure must be trained in behaviour management. Content of training will include but not be limited to:

- relationship building, conflict resolution, positive reinforcement, teaching social and anger management skills,
- restraint prevention, avoidance of power struggles, de-escalation methods, and thresholds for restrictive interventions,
- the physiological effects of restraint including the potential for positional asphyxia, and monitoring physical distress signs during restraint,
- distinctive conditions of the young person which may effect the choice and method of restraint such as age, gender, developmental capacity, history of trauma, and health risks,
- mechanics of conducting safe physical escorts and physical restraints,
- use of an isolation room,

- signs of distress in children and issues of safety,
- escape and evasion techniques,
- procedures to address problem restraints and time limits,
- first aid and emergency medical procedures, and
- demonstrated competence on the part of participants.

No one will participate in the execution of a restrictive procedure unless they have completed training.

Utilizing Restrictive Procedures

Before utilizing a restrictive procedure, assess that the potential adverse outcomes of the intervention, including injury and distress, are less than the adverse consequences which will potentially occur without intervention.

Physical restraint or isolation may only be used if:

- a child poses a threat of immediate physical harm to themselves or someone else, **and**
- less restrictive interventions either have not been successful or would not likely be successful in ensuring safety.

Use professional judgment to select the most appropriate restrictive procedure, considering the current circumstances and what is known about the child.

- Communicate with the child the intention to apply a restrictive procedure.
- Explain to the child what needs to happen for the restraint to be terminated.
- Remove other children from the area if possible.
- Use the least restrictive method that will be safe and effective applied with the least possible force and for the shortest possible time.
- Continuously assess the child's emotional and physical state so that a planned release can be implemented as soon as the risk has been averted.
- The child's status must be assessed on a face-to-face basis every five minutes when an isolation room is used.
- Where possible, two caregivers should be involved in any physical escort or physical restraint.
- A supervisor must approve the extension of any restrictive procedure beyond 20 minutes.

Restrictive procedures **must not** be used:

- as a threat of punishment or a form of discipline,
- for caregiver convenience,
- in lieu of adequate staffing, or
- to protect property without an associated immediate risk of physical injury to people.

Monitoring Restrictive Procedures

When two caregivers are involved one of the interveners will be assigned the role of observing and monitoring the psychological and physical well being of the child throughout the application of the restrictive procedure.

During any restraint the elements to be monitored include:

- level of consciousness
- level of agitation
- mental status
- skin colour
- skin integrity
- temperature of extremities
- swelling of extremities
- movement of extremities

If there are signs of life-threatening distress or serious injury, terminate the restraint immediately and seek medical assistance.

Prohibited Practices

The following practices are **prohibited**:

- face-down restraints
- the denial of any basic necessity
- the use of verbal or physical degradation
- the use of emotional deprivation
- encouraging or condoning the punishment of one child by another child
- excluding or condoning the exclusion of a child from entry to a secure services facility, foster home, or group care setting that is providing residential care to that child as a form of punishment
- mechanical restraints

- chemical restraints
- pain inducement to obtain compliance
- hyperextension of joints
- joint or skin torsion
- pressure or weight on the chest, lungs, sternum, diaphragm, back or abdomen causing chest compression
- any type of choking and any type of neck or head hold
- any technique that involves pushing on the person's mouth, nose, eyes, or any part of the face, or covering the face or body
- any manoeuvre that involves punching, hitting, poking, pinching, or shoving

Post Intervention Assessment

Immediately following the termination of the restrictive procedure, assess the physical and psychological well-being of the child.

The assessment will include, but is not limited to, observations of the child's:

- movement, including checking for joint injuries and lethargy,
- respiration and skin colouring,
- external injuries, including scrapes and bruises, and
- general responsiveness, orientation, and cognitive functioning.

Any identified problems must be immediately addressed. The use of the restrictive procedure and the results of the post-intervention assessment must be recorded in the child's record.

Debriefing Restrictive Procedures

Following the use of any restrictive procedure, two separate processes will be conducted to debrief the incident:

- the child will be given the opportunity to reflect on and discuss the use of the restrictive procedure, in a manner that is age and developmentally appropriate, and
- caregivers directly involved will separately be given the same opportunity.

The focus of these debriefings is to provide support, allow for reflection, and inform change.

Child Debrief

It is important the child be given the opportunity to provide their perspective. The debriefing is intended to help the child learn how to deal with the consequences of poor choices and about mending relationships.

- Conduct the debrief with the child as soon as practical but within 24 hours of the incident.
- If appropriate, include the caregivers directly involved, and the guardian.

The debrief will cover the following topics, as appropriate:

- the child's experience of the restrictive procedure,
- the events leading up to the restrictive procedure,
- the behaviour of the child and the caregivers which led to the restrictive procedure,
- the process of helping the child identify and understand the connection between their thoughts and feelings and their behaviour,
- the process of the child regaining control,
- what was learned from the incident, informing plans about what may be done differently in the future under similar circumstances,
- anything which the child and caregivers need to do to deal with effects on relationships,
- a review of the child's rights, a review of available grievance procedures and access to the OCYA, and
- space and support for the child to deal with any difficult memories the restrictive procedure may have raised.

Caregiver Debrief

Caregiver debriefings are intended to support caregivers and improve practice through:

- giving caregivers the opportunity to express the challenging emotional pressures that may arise from using restrictive procedures,
- giving caregivers an opportunity to learn about themselves and their practice, and to support professional development, and
- giving the organization the opportunity to improve practice through changing processes and procedures based on experience.

The debrief will cover the following topics, as appropriate:

- information learned about the child as a result of executing the restrictive procedure,

- what caregivers learned about themselves as a result of executing the restrictive procedure,
- what worked, what did not work, and what could be done differently in the future,
- any implications for practice and procedures, and
- any implications for caregiver training or staff development.

Documenting the Use of Restrictive Procedures

The Residential Licensing Facilities Regulation requires that child and youth facilities record the following in the child's file:

- any isolation of the child that falls under s.24, per s.20(2)(k), and
- any physical restraint of the child, per s.20(2)(l).

The written account of each use of a restrictive procedure will minimally address the following:

- date, time, and location of the restrictive procedure,
- name of the child, caregivers, and any witnesses involved,
- description of what happened, including the events leading up to the restrictive procedure and what prior interventions were used,
- description of the restrictive procedure used, reasons for its choice and the duration of its use,
- outcomes of the intervention, including impact on the child, caregivers and others with details of any injuries sustained by anyone involved,
- action taken by the caregiver to address any injury, and
- any identified follow-up required and/or completed.

Notification Following Use of a Restrictive Procedure

Notification of the use of all restrictive procedures must be made immediately to the director.

Any injuries arising from the use of restrictive procedures, the use of any prohibited measures, and the inappropriate use of any restrictive procedure that places a child at risk of harm must be reported immediately to the facility supervisor, the director, and other authorities as appropriate, including the OCYA.

Review of Restrictive Procedure Practice

Any facility utilizing restrictive procedures must have a mechanism in place for reviewing the use of restrictive procedures. Reviews should be done in the spirit of support, learning, prevention as well as accountability.

Reviews will consider:

- effectiveness of methods employed by caregivers to support and manage behaviour,
- confirmation that caregiver actions complied with this policy, service provider policy and accrediting standards,
- the need for further caregiver training,
- the identification of deficits in the physical environment, and
- the identification of deficits in program practices or procedures.

Related Information

Residential Facilities Licensing Regulation

Chapter 11: Restrictive Procedures and Intrusive Measures

Section: **11.2 Intrusive Measures**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 4

Policy

Intrusive measures may only be used to ensure the immediate physical safety of the child or others, or when the best interest test concludes that the benefits of such intrusions outweigh the detriment of infringing on the child's individual right to privacy.

Intrusive measures include but are not limited to the following interventions:

- monitoring or restricting private communication
- surveillance
- room searches
- personal searches, and
- restricting access to or confiscating personal property

Procedures

A child is entitled to a reasonable amount of privacy consistent with prudent parenting and the need to protect the child.

Private Communication

A child is entitled to maintain contact with parents, relatives, and friends where it is safe to do so and subject to the arrangements set out in the child's case plan and any access provisions imposed by the courts.

Where possible, under ordinary circumstances,

- suitable facilities will be provided in the child's placement for the child to meet privately with any person listed above as well as the child's lawyer or a child and youth advocate,

- the child will have access to a telephone on which to make and receive calls in private,
- the child will be allowed to send and receive private mail by post, and
- the child will be allowed to receive electronic mail privately, if the facility is so equipped.

Restrictions, conditions, or prohibitions may be placed on all forms of private communication if it is reasonable to believe that doing so is necessary to protect and promote the safety and well-being of the child.

Restrictions, conditions or prohibitions cannot be initiated without the prior consent of the child's caseworker, unless the measure is imposed in an emergency and full details are provided to the child's caseworker within 24 hours.

Children are always entitled to private, unrestricted access to the following persons, despite any restrictions, conditions or prohibitions:

- the caseworker assigned to the child,
- any lawyer assigned to represent the child, and
- any person representing the OCYA.

Surveillance

The level of supervision provided by caregivers should be commensurate with the age and capacity of the child and with respect for the child's right to privacy.

The use of video surveillance for the purposes of general security is restricted to the general common areas of child serving facilities.

- Any video recordings made of such surveillance will be for the sole purpose of documenting allegations.
- Children and guardians will be informed of the use of such video surveillance upon admission and that the video recordings may be made and kept as a record.

Caregivers should not enter bedrooms or bathrooms when the door is closed, without knocking first, unless it is necessary to do so for safety or emergency reasons. Whenever possible, a caregiver should not enter a bedroom or bathroom unaccompanied.

Room Searches

A child's personal space including their bedroom will not normally be subject to search.

- Room searches will only occur when it is reasonable to believe that:
    - failure to carry out the search would put the child or others in danger,
    - illegal or stolen property would be found as a result of the search, or
    - a search is necessary due to odours emanating from the room, suggesting valid concerns about personal hygiene, rotting perishables, or soiled clothing, bedding or flooring.
- Wherever possible, the child will be given notice of the intended search and be permitted to be present.
- Wherever possible, room searches will be conducted by two or more caregivers.
- Wherever possible, the caregivers conducting the search will be of the same gender as the child.
- Caregivers will be respectful of the child's possessions and the room should be left in the same condition it was found.
- During the search, other children will be removed from the area in order to protect the privacy of the child whose room is being searched.

The results of the room search will be documented and include:

- the time and date of the search
- the reason for the search
- who carried out the search and who was present
- what was found, and
- signatures of those who conducted the search and of the child where appropriate.

Personal Searches

Personal searches will only occur when there is reasonable proof that failure to conduct the search will put the child or others in danger, or that the child is carrying illegal or stolen property.

- Strip searches and body cavity searches are prohibited interventions.
- The child will be informed of the intention to conduct the search and be given the opportunity to voluntarily surrender any dangerous, illegal or stolen property.
- Personal searches will take place in privacy.
- Personal searches will not involve physical contact between the child and the caregiver.

- Whenever possible, the caregivers conducting the search will be of the same gender as the child.

A personal search may involve:

- the removal of shoes, socks, hat, and any other layers of clothing that may be removed without violating privacy for examination
- the examination of wallets, purses, handbags, backpacks, etc. and
- the child being asked to empty pockets and open their hands and mouth.

The results of the personal search will be documented and include:

- the time and date of the search
- the reason for the search
- who carried out the search and who was present
- what was found, and
- signatures of those who conducted the search and of the child where appropriate.

Personal Possessions

Children are entitled to control of their personal possessions. Caring for and maintaining such possessions may provide children with important links to their personal histories.

- A written inventory of the child's possessions will be completed at intake and signed by the child where appropriate.
- At discharge an accounting will be made of this inventory and signed by the child where appropriate.
- Any possessions which the child is not allowed access to will be noted on the inventory, securely stored and returned upon discharge unless a weapon or illegal or controlled substance.
- The child will be provided with secure, lockable storage in which to keep possessions.

Related Information

1.3.0 OCYA Overview

1.3.1 Mandatory Notification

1.8 Children's Procedural Rights

Appendix A: Delegation of Authority

Section:	**A. Delegation of Authority**	Issue Date: October 1, 2011
Subsection:	**A-1. Delegation of Authority Overview**	Revision Date: May 1, 2014
		Page 1 of 7

Overview

This appendix is in three sections and addresses the Delegation of Authority that occurs within Alberta Human Services in order to provide intervention services to children and families in the province.

- **A-1 Delegation of Authority Overview** speaks to the general nature of the duties and powers identified in CYFEA that are imposed on the Minister and director, and then delegated down to other persons employed in the administration of the Act.
- **A-2 Delegation Schedule** identifies the Authority Levels assigned to staff and the specific duties and powers that each Authority level is delegated
- **A-3 Interim Delegation** addresses the process under which a newly hired staff member may receive partial delegation of specific duties and powers prior to completing mandatory training and receiving full delegation.

Duties and Powers

Those who are employed in the administration of CYFEA have many decisions to make and activities to perform. CYFEA assigns most duties and powers to the director, but does assign some to the Minister. Both the Minister and the director have the power to delegate their duties to other people.

CYFEA explicitly states some responsibilities, and implies other responsibilities by placing the director in the role of a guardian.

- **Explicit Authority** – CYFEA explicitly identifies specific duties and powers which are imposed on the Minister and director, including general administration duties in relation to the day-to-day operations of the intervention program, which do not need to be delegated, and discretionary decision-making powers, which must be delegated.
- **Implicit Authority** – The director may be appointed as a child's guardian, or the child's guardian may assign those duties to a director by way of an agreement. CYFEA does not explicitly assign duties related to

guardianship to the director, but instead implies that the director and director's delegates have the authority to make decisions and provide consents in the capacity of a guardian.

Both the explicit responsibilities stated in CYFEA and the implicit ones that arise from a director's guardianship role must be clearly assigned to specific Authority Levels

- The explicit duties and powers are listed in Part 1 of the Delegation Schedule.
- The implied duties and powers of a director as guardian are listed in Part 2 and Part 3 of the Delegation Schedule.

Role of the Minister and Director

CYFEA imposes specific authorities, duties and powers to the Minister and to a director who is appointed (designated) by the Minister. When the director is appointed, he or she receives all of the duties and powers of the director under CYFEA.

When a child is in need of intervention, the director takes responsibility for ensuring the child receives appropriate care, through assessment, ensuring safety, casework supports, case planning, the provision of services, and the promotion of development. Guardianship responsibilities are added if the director becomes a guardian of the child.

To carry out the duties and powers imposed by CYFEA, the Minister and director delegate duties and powers to caseworkers and other persons employed in the administration of the Act. However, CYFEA makes the director ultimately responsible to protect the child and to pursue the child's best interests. Delegating duties and powers to other persons does not remove this responsibility. Therefore, the director takes a leadership role with those to whom duties and powers are delegated.

Guardianship

A person who is unable to manage his or her own affairs needs a guardian. Because a child is considered to be developmentally incapable of this responsibility, most jurisdictions require each child to have a guardian. In Alberta, this developmental incapacity is reinforced by a legal incapacity imposed on everyone under 18. As a result, there are some things that a child may not do. Such activities require a guardian who is lawfully invested with the duty and power to care for the child.

NOTE: When the parent of a child is under 18, that parent is a guardian and able to act on behalf of the child.

Parents regularly assign some day-to-day care responsibilities to other caregivers. These duties and powers are considered "custodial." When a child's guardian assigns some custodial responsibilities, the duties and powers of the custodian need to be clear.

The state is responsible for ensuring that the person and rights of a child are protected. Therefore, when a parent (the natural guardian of a child) is not providing adequate protection, the state provides means to substitute or supplement the parent's care with that of another guardian.

Director as Guardian

CYFEA provides for the transfer of some or all guardianship responsibilities to the director under certain legal authorities:

- Custody Agreement – the guardian temporarily transfers some guardianship responsibilities to the director.
- Temporary Guardianship – the court temporarily gives the director the power to exercise all guardianship authority to the exclusion of any other guardian.
- Permanent Guardianship – the guardian or court permanently gives the director sole guardianship.

When the director is given guardianship responsibilities, the duties and powers of each guardian must be clear. If the director is appointed as a guardian, the community expects the director to be a good and prudent guardian. The director is expected to actively promote the child's physical and emotional well-being. When the court replaces the parent with a guardian, the court implies that the new guardian will make more prudent decisions than the parent made.

Delegation of Authority

The director delegates authority based on the following principles:

- Decisions must be timely
- The decision-maker must be accountable to the director
- Service delivery must be managed effectively and efficiently
- The decision-maker must consider the effect on the life of the child
- The lives of the child and family must not be intruded into any more than necessary.

The Delegation Schedule identifies the staff level to which each authority is delegated. The level of authority is based on the following principles:

- The level is as close to the client as possible.

- The level rises as the:
  - Effect on the child increases
  - Possible effect on others increases
  - Frequency of the situation occurring decreases

Caseworker Delegation

Delegation and Authority Level

- Upon confirmation that a caseworker has successfully completed mandatory Delegation Training, the director delegates caseworkers with the duties and powers necessary to perform the active role of providing intervention.
  - A worksite manager can, where it is explicitly stated in the individual's delegation documents, delegate caseworkers who are registered under the *Health Professions Act* or who have a Bachelor of Social Work or Master of Social Work degree.
  - The Child and Family Services Regional Director or the DFNA Director must delegate caseworkers who are qualified because of their academic qualifications or the combination academic qualifications and experience.
- The caseworker's direct supervisor must monitor the use of the delegated authority.
- Each caseworker receives a delegation document and an identification card. The document indicates the level or authority that person has. The levels and specific authorities for each level are listed in Part 1 of the Delegation Schedule.
- The Levels of Authority in the Delegation Schedule are set out from Level 1 to Level 10, with Level 1 being the highest level of authority. Level 1 is assigned to the Statutory Director.
- Each level of authority includes all the duties and powers delegated to lower levels of authority. Therefore, if a caseworker (Level 7) is unavailable, the supervisor (Level 6) or manager (Level 5) may make the decision (e.g. a manager with authority Level 5 has all the powers and duties of Level 6, Level 7, Level 8, Level 9 and Level 10).
- Any regional variances in the Delegation Schedule must be approved by the Statutory Director of the Child, Youth and Family Enhancement Act and the change must be clearly stated in the individual delegation document.

Delegated Caseworker

When delegated duties and powers, a caseworker must:

- understand and accept the nature and importance of the delegated responsibilities,
- be aware of the standards for performing the duties and of the resources available for children,
- know when to consult with or obtain consent from senior staff,
- be aware of the partnership among all who share guardianship responsibilities,
- understand the director's need to be kept informed about the circumstances of the child receiving intervention,
- know the lines of accountability, responsibility and authority, **and**
- recognize that the director is ultimately responsible for casework, case planning and other services provided to children.

Caregiver Delegation

Certain day-to-day duties and powers are assigned to those who provide care for children in the custody of the director. When assigning guardianship functions to a foster parent, adoptive parent or other caregiver, a Delegation of Powers and Duties to a Childcare Giver [CS1631] is completed for each child, which identifies

- the child's name
- the caregiver's name
- the specific authority assigned, and
- the conditions that will terminate the assignment.

Informed Consent

Informed consent is an important part of guardianship. When an adult makes a decision for a child, the adult must ensure that the decision is informed. To be informed, a person must:

- be intellectually and developmentally able to fully understand the proposed action and to appreciate the consequences of each possible decision, and
- gather all the information in understandable terms.

Caseworkers often have the delegated authority to give consent. If asked to give consent, the caseworker obtains and considers the answers to the following questions before making a decision:

- What is the proposed action?
- Why is this action being proposed?
- Is this action essential?
- What are the alternatives?
- What are the potential benefits and risks for each?
- Who will perform the action?
- What are this person's qualifications?
- What other factors need to be considered (e.g. religion, culture)?

The caseworker asks for help to answer these questions from the service provider, the family, the First Nations designate and other significant to the child. Consideration is given to asking other experts to help by providing consultation, clarification or other alternatives.

If the child is able to give an opinion, the caseworker consults with the child before deciding. The caseworker gives the child the answers to the above questions so the child can fully participate in the decision-making.

If an older child is capable of making the decision, the caseworker allows the child to give the informed consent. Remember that the guardian still has the responsibility to decide and protect. However, if the child is able to decide and the potential risks are acceptable, let the child's consent stand.

Decision-making

When making a decision about a child, base the decision on the best interests of the child and:

- a solid base of information, including:
  - the child's wishes
  - the child's background
  - the resources available
  - the current circumstances
  - the opinion of other professionals
  - the opinion of the parent or other significant person
  - the opinion of the First Nations designate, if involved

  - the possible risks if an alternate decision or no decision is made
- values that focus on the child and family:
  - A child is a valued member of society.
  - The family is a basic unit of society.
  - A child and family have the right to privacy.
  - The child's interests must be recognized and protected.
  - A child needs stability and continuity in relationships and care.
  - A youth needs to be prepared for the transition to independence and adulthood.
  - A child's cultural, familial, social and religious heritage must be recognized as integral to self-image, development and environment.
  - If the child is Aboriginal, the uniqueness of Aboriginal culture, heritage, spirituality and traditions must be respected and considered.
- values that focus on the child-program interaction:
  - Make decisions with the least possible delay.
  - Seek remediation of the condition that led to the need for intervention.
  - Provide care that is adequate to meet the child's needs and is consistent with community standards and available resources.
  - Use the least disruptive measure. If using a restrictive alternative, keep the child's rights and interests paramount.

Section:	**A. Delegation of Authority**	Issue Date: October 1, 2011
Subsection:	**A-2 Delegation Schedule**	Revision Date: July 22, 2014 Page 1 of 29

Duties and Powers of a Director Under the *Child, Youth and Family Enhancement Act* (CYFEA) and Regulations

CYFEA explicitly gives specific duties and powers to the Minister and to the statutory Director. The Minister delegates specific powers to the Deputy Minister, including the authority to designate a Director for the purposes of the Act.

Duties and Powers Retained by the Minister

Section	Duties and Powers
3(1)	may recommend a person be appointed Child and Youth Advocate
3(2)	may authorize and provide for the payment of remuneration and expenses of the Child and Youth Advocate and for his office and staff
3(3)(e)	may assign additional duties and functions to the Child and Youth Advocate
3(4)	Tables the Child and Youth Advocate's annual report in the Legislature
74.2(9)	may deem that a veto has been registered when an adult adoptee is not aware of the adoption and that release of information would be extremely detrimental to the adoptee
74.4(3)	may disclose the identity of a person referred to in a sealed adoption when there are compelling reasons to do so
86(2)	may give written authority to commence prosecution for procuring
104(3)	may make regulations respecting adoptions from a designated State
105	may recognize States for the purposes of international adoptions
118	may establish an appeal panel
121(2)	may delegate the duties and powers of a director
122(2)	may enter into an agreement for the purposes of providing services under CYFEA on a reserve
123(1)	may appoint experts to advise an appeal panel

Section	Duties and Powers
126.01(2)	may direct disclosure of information, documents and records provided by a child in confidence to an advocate
131(2)	May make a regulation

General administration responsibilities of the Minister under CYFEA do not need to be delegated. These are as follows:

Section	Duties and Powers
109(4)	May examine subpoenaed documents
127(3)(b)	May decide where to keep records
128	Pays for care and maintenance of a child in care and for assessments order by the court

Duties and Powers of the Deputy Minister

The Deputy Minister designates an individual as a director for the purposes of the Act and sub-delegates to that individual all of the Minister's duties and powers under CYFEA with the exception of those retained by the Minister, as listed above, and the power to designate a director, which is solely exercised by the Deputy Minister.

The Minister delegates, to the Deputy Minister, by way of Ministerial Order, the following:

Section	Duties and Powers
Child, Youth and Family Enhancement Act	
126(1)(e)	consent, in writing, to the disclosure of information to any person
126.1(2)	direct the release of information to identify the name of a person that reports a child in need of intervention
129(1)	designates a director
Child, Youth and Family Enhancement Regulation	
1(2)(b)	forms an opinion about a person's qualifications to complete home study reports
4(b)	determines that an applicant has the combination of education and experience to be qualified to be a director

Duties and Powers of the Director:

S.121(3) allows a director to delegate authority to other people to deliver the services mandated by the Act. A director delegates duties and powers to person employed in, or engaged for the purpose of, administering the Act. These duties and powers may include Ministerial duties and powers delegated to the director by the Deputy Minister. Delegated powers and duties may be sub-delegated further down the reporting line, but **only** if the authority to sub-delegate is expressly provided for in the delegator's own delegation document.

AUTHORITY LEVELS

Both the explicit responsibilities and the implicit ones that arise from a director's guardianship role need to be clearly assigned. The Delegation Schedule assigns the staff level to which each authority is delegated. Some authority may also be assigned to caregivers.

The level to which each duty or power is delegated is identified by a category number, as follows:

Category	Staff Level
1	Statutory Director of Child, Youth and Family Enhancement Act
2	Manager, Adoptions and Permanency Services
3	Manager, Post Adoption Registry
4	Child and Family Services Regional Director or Director The Child and Family Services Regional Director or Director may sub-delegate to a regional designate who: • is not involved in line management or the case decision-making or • is the worksite manager of an urban specialized worksite.
5	Worksite manager, regional manager • The worksite manager may sub-delegate to a designate to who the casework supervisor reports or in the absence of the worksite manager, to the acting worksite manager. • The regional manager may sub-delegate to a regional designate.
6	Casework supervisor or licensing supervisor
7	Caseworker
8	Afterhours or on-call worker
9	Licensing officer (which may include foster care support worker)
10	Staff who administer financial assistance programs under s.105.8 of the Act

The duties and powers are listed in the following schedule in three parts:

1. Those duties and powers of the Minister and director that are explicit in CYFEA.
2. Those powers and duties of a director that are implicit in the role of a guardian.
3. Those duties and powers of a director that may be assigned to a caregiver or placement provider.

Part 1 – Explicit Duties and Powers

Duties and powers of the Minister and of a director under CYFEA delegated by the director to person employed in the administration of the Act.

Section	**Duties and Powers** ***Child, Youth and Family Enhancement Act***	**Delegated to Category**
1(1)(b)(iv)	forms an opinion about whether a person is the biological father of a child	7
1(1)(k)	approves a person to be a foster parent	6
2.1	must inform a child of the child's procedural rights	8
3.1(1)	forms an opinion about whether a person has significant connection to a child and agrees to enter into alternative dispute resolution	7
4(5)	advises governing body of a profession (or occupation) registered under an Act that a member of that profession has failed to report a child believed to be in need of intervention services	4
6(1)	must investigate a child's need for intervention services and determine the validity of the report or allegations	8
6(2)	may form an opinion and convey a child to any place in order to complete an investigation	8
6(3)(a)	forms an opinion about whether a child is in need of intervention services and, if the child needs intervention services, provides family enhancement services or takes appropriate actions under CYFEA	8
6(3)(b)	may convey a child to the person who has custody or who is temporarily caring for the child	8
6(4)	if family enhancement services are being provided, must determine if further matters that are reported need to be investigated	8
7(1)	may appoint a person to provide emergency care until the guardian is located or other arrangements made, and may convey a child to an emergency care giver	8
8(1)	may enter into a family enhancement agreement with the guardian of a child or other person having custody of the child	8
9	may enter into a custody agreement with the guardian of the child and take custody of the child	8
10	establishes terms of a custody agreement	8
11(1)	may enter into a permanent guardianship agreement with the guardian of a child	5
11(2)	assumes sole guardianship of a child who is the subject of a permanent guardianship agreement	1
12(1)	receives a request to terminate a permanent guardianship agreement	7

12(2)	notifies any other former guardian, who was a part to a permanent guardianship agreement, of a request to terminate a permanent guardianship agreement, and places the child in the custody of the guardian who requested the termination of the permanent guardianship agreement.	7
12(4)	forms an opinion regarding the need for intervention services if the permanent guardianship agreement is terminated, and if so, takes actions appropriate under CYFEA	7
13(2)	receives notice of an application to terminate a permanent guardianship agreement	7
13(8)	receives a copy of an order terminating a permanent guardianship agreement	7
14	may enter into an agreement with a person regarding a child who is the subject of a temporary guardianship order stipulating access, consultation and any other matter	7
16(1)	may form an opinion and apply to court for a supervision order to provide services	7
16(2)	recommends terms to the court for the proposed supervision	7
17	forms an opinion about the need for a temporary guardianship order and may apply to court for an order	7
18(1)	forms an opinion about the need for a permanent guardianship order and may apply to court for an order	7
19(1)	may apply ex-parte to the court for an order to apprehend a child or to enter and search for a child	8
19(2)	may apply ex-parte to the court for an order to enter and search for a child who has left the custody of the director	8
19(3)	may enter, search for, remove a child and return the child to the custody of the director with an order	8
19(4)	may enter and search without an order if a child, who is in need of intervention services, is believed to be in imminent danger	8
19(5)	may apply for an order to search for, remove, and return a child by telecommunication, if necessary	8
19(10)(b)	completes a facsimile of an order made by telecommunication	8
19(12)	may apprehend a child without an order if the child's life or health is seriously and imminently endangered	8
19(13)	may, without an order and by force if necessary, enter into a place or premises and search for a child whose life or health is seriously and imminently endangered	8
19(14)	may apprehend a child without an order if the child has been left or been removed from the custody of the child's guardian without the consent of the guardian	8
20(1)	notifies the guardian of a child that the child has been apprehended, of any intention to confine the child and of any intention to apply for a secure services order	8

21(1)	applies to the court for a supervision order, temporary or permanent guardianship order, an order to return the child to the guardian's custody, or an order to return the child to child welfare authorities of the province they are ordinarily resident, if the child is not returned to the guardian within two days of apprehension.	7
21(4)	may withdraw an application under s.21(1)	7
21(11)(a)	returns a child to the guardian if the court is not satisfied that the child is in need of intervention	7
21.1(1)	must apply for an order for custody until the application for a guardianship order is withdrawn or disposed of	7
22	has exclusive custody and provides care, maintenance and services to an apprehended child	8
22.1(1)	may authorize the provision of any essential treatment for a child who has been apprehended if the guardian is unable to or unavailable to consent	5
22.1(2)	must apply to the court for an order authorizing treatment for a child who has been apprehended if the guardian refuses to consent to essential treatment	8
22.1(4)	may apply for an order for treatment by telecommunication if necessary	8
22.2(1)	must apply to the court for an order authorizing treatment for a child under the guardianship of the director if the child refuses essential treatment	8
23	ensures that notices of any hearing initiated by a director under Part 1, Division 3 are served as required	8
23(1)(b)	receives a notice of a hearing when a director is not the applicant	7
23(2)	must serve the guardians and a child over 12 years	8
23(5)	may apply ex-parte to the court for variations of notice and service provisions	7
24	may apply to have any person excluded from all or part of the proceedings	7
28(2)	recommends terms for the proposed supervision	7
28(3)	supervises the child within the child's residence when the child is the subject of a supervision order	7
29(1)	may apply to the court for a different order if a guardian or other person residing with a child has failed to comply with the terms of a supervision order	7
30(1)	may apply to Court of Queen's Bench for a restraining order when conditions warrant such action (via legal counsel)	7
31(1)	is appointed a guardian of a child who is the subject of a temporary guardianship order	1
31(4)	may apply to the court for an order prescribing access, consultation, treatment or remedial programs, or other necessary terms respecting a child under temporary guardianship, if these matters cannot be resolved by agreement or if an agreement is not complied with	7

31(6)	may determine the guardian's or another person's fitness to assume custody of a child when a temporary guardianship order ends	7
31(7)	may make recommendations for the court's consideration regarding an order for an assessment regarding the fitness of the guardian or other person to assume the custody of the child when the order expires or is terminated	7
32(1)	may apply to the court to renew, vary or terminate a supervision or temporary guardianship order	7
34(1)	may apply to the court for a permanent guardianship order appointing a director as guardian of a child	7
	may give permission to apply for a permanent guardianship order	5
34(4)	becomes sole guardian of a child who is the subject of a permanent guardianship order	1
34(5)	provides the Public Trustee with a copy of the permanent guardianship order upon request	7
34(8)	may apply to the court for an order prescribing access between the child under a permanent guardianship order and a former guardian or another person	7
34(10)	may enter into an access agreement with a former guardian or another person regarding a child who is under a permanent guardianship order	7
34(13)	may apply to the court for a review of an access order	7
34.1	must report to the Minister, in the manner required by the regulation, the plan for permanent placements for children who are the subject of a permanent guardianship order or agreement for one year or more	1
35(1)	may apply to the court to terminate the permanent guardianship order or agreement if a child should be returned to a former guardian	7
42(1)(a)	may consent to an autopsy of a deceased child who is under permanent guardianship	5
42(1)(b)	may consent to tissue and organ donation of a deceased child who is under permanent guardianship	4
	may arrange for burial or other disposition of the body of a deceased child who is under permanent guardianship	7
42(2)	may arrange for burial or other disposition of the body of a deceased child under temporary guardianship if unable to locate the other guardian or the other guardian is unable to pay	7

43.1(1)	may issue a secure services certificate in respect of a child who is in the custody of the director, or under a supervision order, temporary or permanent guardianship order, or is subject of a family enhancement agreement under s.8	5
	may detain, convey and confine the child to a secure services facility	8
43.1(2)	must obtain written consent of the guardian for issuing a secure services certificate in respect of a child who is subject of a supervision order, a custody agreement under s. 9 or a family enhancement agreement under s.8	8
43.1(3)(a)	appears in court to show cause for issuing a secure services certificate	7
43.1(3)(b)	may apply for a secure services order for a further period of confinement	7
43.1(3.2)	may form an opinion that it is impracticable to appear in person before the court to apply for a secure services order and instead apply for a secure services order by telephone or any other means of telecommunication, including video conferencing	7
43.1(4)	serves a secure services certificate, a notice of the show cause, and any application for further confinement on the child and the guardian who consented to the issuing of a certificate	7
43.1(8)(a)	must serve a copy of the secure services order on the child	7
43.1(8)(b)	must notify the guardian of the child immediately by any method (orally or in writing) that a secure services order has been made	7
43.2(5)(b)	completes a facsimile of a secure services order made by telephone or any other means of telecommunication	7
44(1)	may make an ex-parte application for a secure services order	7
44(3)(a)	serves a secure services order on a child not more than one day after it is granted	7
44(3)(b)	notify the guardian of the child by any method (orally or in writing) of a secure services order	7
44(4)	may apply for a continuation of a secure services order	7
44(5)	must serve the child and a guardian with notice of the hearing for an application for a continuation of a secure services order not less than one day before the hearing date	7
44(6)	may apply ex-parte for a secure services order for substitutional service or to dispense with service on any person for a secure services order	7
44(7)	specifies to the court the secure services facility for the child	7
44(9)(c)	must, in writing, provide the child with the address and telephone number of the Child and Youth Advocate	7
44(9)(d)	must, in writing, provide the child's guardian with the address and phone number of the nearest Legal Aide Society	7
44.1(1)	may apply for a renewal of a secure services order	7
44.2(1)	may apply to have any person excluded from all or part of the proceedings	7

45(1)	may apprehend and convey a child named in a secure services certificate or order to the secure services facility named or may detain the child while being conveyed	8
46	may transfer the child to another secure services facility	7
47	may grant the child a leave of absence from the secure services facility and may establish terms and conditions	7
48(1)	may apprehend and convey or authorize the return of a child to a secure services facility if the child is absent without leave	8
48(2)	may apply ex-parte to a judge for an order to enter, search and apprehend a child who is absent without leave from a secure services facility and may convey and return the child to the facility	8
48(4)	may form an opinion that it is impracticable to appear in person before the court and instead apply for an order to enter, search and apprehend by telephone or any other means of telecommunication	8
48(9)(b)	completes a facsimile of an order made by telephone or any other form of telecommunication	8
48(11)	may, without an order and by force if necessary, enter a place or premises where a child may be found, and search for and remove a child who is in imminent danger and who is under a secure services certificate or order, and convey the child to a secure services facility	8
49(1)	may apply to the court for a review of a secure services order	7
49(4)	receives notice from the clerk of the court regarding an application for the review of a secure services order	7
49(5)	notifies the child, any guardian and the person in charge of the secure services facility of a review of a secure services order	7
49(5)(b)	receives notice of a hearing of a review of a secure services order	7
49(6)	may apply ex-parte for an order for substitutional service or to dispense with service on any person for a review of a secure services order	7
50(3)	provides a copy of the order made after a review of a secure services order to the child, the guardian, the child's lawyer and the person in charge of the secure services facility	7
52(2)	may apply to the court for a private guardianship order on behalf of the applicant	7
52(1.2)	prepares a home study report for a private guardianship application when the child is under permanent guardianship	7
52(2)(b)	determine if private guardianship is in the best interests of a child	7
53(1)	serves notice of a hearing for private guardianship if the director is applying on behalf of an applicant	7
53(1)(a)	receives notice of an application for a private guardianship order if the child is under permanent guardianship	7
53(1)(c)	accepts notice of an application for private guardianship where the director is not the guardian	7
55(1)(a)	may consent to a private guardianship order respecting a child under permanent guardianship	5

56(2)	receives a certified copy of a private guardianship order	7
56.1(1)	may provide financial assistance in accordance with the regulation to someone who obtains private guardianship of a child that was under permanent guardianship at the time the application for the order was made	7
56.1(2)	may review, vary or terminate the financial assistance in accordance with the regulation	7
57.2(1)	may enter into an enhancement agreement with a youth if the youth is living independently and is in need of intervention	7
57.2(2)	may enter into a custody agreement with a youth and take custody of the youth if the youth is living independently and is in need of intervention	7
57.3	may provide support and financial assistance to a young adult attaining 18 years of age in accordance with the regulation	7
57.4(1)	may enter into an agreement with a guardian of a child to provide child support	7
57.5(1)	may apply for an order requiring any or all of the parents of the child to provide child support	7
57.5(5)	must personally serve the parents with notice of the hearing	7
57.6(1)(a)	may apply for a review of the child support order	7
57.6(3)(a)	must personally serve the parents or private guardians with notice of the hearing	7
57.6(3)(b)	receives notice of a hearing when a director is not the applicant	7
57.8(1)	may request a parent to disclose financial information in accordance with the regulation	7
57.8(2)	may apply for an order for financial disclosure	7
59(1)(a)	may consent to the adoption of a child under permanent guardianship	5
61(1)	receives notice of the revocation of a consent to adoption	7
61(2)	notifies the person in whose custody the child has been placed, and any other guardian of the child who has consented to the adoption, of the revocation of consent	7
63(1)	files the petition for an adoption order and accompanying documentation with the court respecting a child under permanent guardianship or who is the subject of an equivalent order or agreement in another country	5 & 2
63(1)(a)	completes an affidavit to accompany the adoption petition and forms an opinion respecting the petitioner's suitability as an adopting parent	5 & 2
63(1)(e)	determines that an affidavit respecting the fitness of the adopting parent is acceptable or may require any other material	5 & 2
64(1)(f)	receives a notice of a petition for an adoption order	7 & 2
66(1)	may conduct an investigation with respect to a proposed adoption and may file a report of the investigation with the clerk of the court	2
66(2)	serves a copy of an investigation report file with the court on the petitioner	7

67(1)	involves a person designated by the council of the band in decisions relating to the adoption of a child believed to be an Indian and a member of a band and whose guardian is resident of a reserve	7
67(2)	requests the guardian's consent to involve a person designated by the council of the band in decisions relating to the adoption of a child believed to be an Indian and a member of a band and whose guardian is not a resident of a reserve	7
67(2)(b)	if the guardian consents, involves the person designated by the council of the band in decisions relating to the adoption of a child	7
72.1	may provide approval to proceed with an adoption of a child who is not a Canadian resident	2
73.1(2)	receives notice of a hearing of an application to set aside the adoption of a child	2
73.1(3)	receives a copy of an order setting aside an adoption pursuant to an application under s.73.1(2)	2
73.1(5)	becomes the guardian of a child whose adoption is set aside if the child was under permanent guardianship immediately prior to the adoption order	1
74(1)(b)	receives a certified copy of each adoption order	2
74.1(1)	may consent in writing to the inspection of sealed adoption documents	3
74.2(2)	may release personal information regarding an adoption made prior to 2005 to specified individuals upon request to those individuals	3
74.2(4)	accepts a veto prohibiting the release of personal information unders.74.2(1) in a satisfactory form	3
74.2(8)	may determine that parents of an adopted person are deceased and may release personal information in sealed records to the adopted person or a descendent	3
74.3(2)	may release personal information regarding an adoption made after January 1, 2005 to an adopted person who is 18 years of age or older, a descendent of a deceased adopted person or a parent of an adopted person requesting the information	3
74.3(4)	accepts a registration regarding contact preference	3
74.3(5)	advises a person making a request of any registered contact preference	3
74.4(1)	may provide a copy of the original registration of birth, identifying information about the child's biological parents and any other sealed information that is considered necessary regarding a child who is Aboriginal to establish heritance rights	3
74.4(2)	may provide a copy of an adoption order to specified individuals upon request	3
74.4(4)	may disclose information sealed under s.74.1 to the Director of Maintenance Enforcement or for use in a court proceeding where Alberta is a party	3

74.4(5)	may, on request, release non-identifying information to specified individuals	3
74.4(7)	may release information sealed under s.74.1 to the director if an adopted child or a sibling of an adopted child is in need of intervention	3
75(1)(b)(ii)	may form an opinion as to if an adopted child is living independently from the child's guardian for the purposes of voluntary disclosure	3
75(1)(c)(iii) & (iv)	determines that the biological parents of an adoptee are deceased, cannot be located, or are unable to consent to an application for voluntary disclosure	3
75(3)	maintains the registry, examines the registry on receiving an application, removes an application on receiving a notice of withdrawal, and registers vetos	3
75 (4) & (5)	discloses the identities of applicants to each other or to a located applicant if applications concern the same adopted person	3
75(7)	shall advise an applicant regarding death of an adopted person, or an inability to locate an applicant	3
81(1)	may provide financial assistance in accordance with the regulation to a person who adopts a child	5
81(2)	may review and vary or terminate the financial assistance in accordance with the regulation	5
85(2)(b)	may authorize an advertisement to find adoption homes for children in care	5 & 2
87(1)	receives an application for a license to operation an adoption agency	2
87(1)(b)	may form an opinion about whether a corporation carries on business for gain	2
88(1)	may issue or renew a license, issue a conditional license and set conditions or refuse to issue or renew a license	2
89(1) & (2)	may suspend or cancel a license and service notice of the decision, and inform of the right to appeal	2
89(4)	may form an opinion about whether a licensed adoption agency is placing children at risk and may suspend a license and provide direction to an agency to rectify the situation	2
89(6)	may cancel the license of an agency on 48 hours notice if directions have not been complied with	2
89(7)	notifies the clients of a licensed adoption agency of a decision under s.89	2
90	notifies an agency of a decision made under s.89 and receives the surrendered license, books and records of an agency	2
91(1)	may conduct an inspection of a licensed agency, enter the premises, require production of documents and remove documents for copying	2
91(3)	may apply to a judge for an order to enforce compliance with an inspection of a licensed agency	2
96	performs all functions of the Central Authority for Alberta	2

100(1)	may approve the placement of a child in a designated State with the prospective adoptive parents habitually resident in Alberta	2
100(2)	may make a decision regarding the placement of an Alberta child with prospective adoptive parents habitually resident in a designated State.	2
105.3(1)	accepts an application for a residential facility license or a renewal of the license and may determine that the application is satisfactory	9
105.3(2)	may issue a residential facility license or a renewal and impose terms and conditions in the license	9
105.31	may vary the terms or conditions to which the license is subject upon application	9
105.5(1)	may inspect a licensed residential facility	9
105.5(4)	may make an application to the Court of Queen's Bench by way of an originating notice for an order to inspect a licensed residential facility if the agency does not comply with inspection	5
105.6	may provide written orders to a person operating a licensed residential facility regarding non-compliance with the Act, regulation or conditions	9
105.7(1)	may vary, suspend or cancel a residential facility license and terminate the licensee's contract with the Crown	9
105.8	may provide financial assistance in accordance with the regulation to a person who is caring for a child whose guardian is unable or unwilling to care	10
107(1)	involves a band designate respecting a child who is believed to be an Indian and a member of a band as follows: ▪ If the child is a resident of a reserve. ▪ With the consent of the guardian, if the child is not a resident of a reserve. ▪ If the child is the subject of a TGO, PGO, PGA or an application for a PGO regardless of whether or not the child is a resident of a reserve.	7
107(2)	asks the guardian of an Indian child living off the reserve to consent to the involvement of the person designated by the chief or council and involves the designate if the guardian consents	7
107(3)	provides the designate with a copy of a Supervision Order (with the guardian's consent), a Temporary Guardianship Order or a Permanent Guardianship Order	7
108(1)	may apply to the court to compel attendance of any person or to require the production of documents by any person	7
109(5)	may apply to the court to have information admitted into evidence	7
112(1)	may request the court to direct that a child be represented by a lawyer	7

114	may provide written approval to launch an appeal to the Court of Queen's Bench regarding an order made under CYFEA or a refusal to make an order under CYFEA may make an application to the Court of Queen's Bench regarding an order made under CYFEA or a refusal to make an order under CYFEA (in consultation with a manager and Legal Services, and with the written approval of the statutory Director)	1 7
115	may apply to the court for a stay of execution of an order (in consultation with a supervisor and legal counsel)	7
116(2)	may apply to the Court of Queen's Bench for a stay of execution of an order (in consultation with a supervisor and legal counsel)	7
117.1	reviews a decision of a director under CYFEA and may confirm, vary or reverse the original decision and provide to the person who requested the review with a copy of the reviewed decision including reasons	5
120(3)	accepts a notice of appeal	7
120.1 (1)	may provide written approval to initiate an appeal to the Court of Queen's Bench regarding a decision of an appeal panel	1
120.1(2)	may commence an appeal to the Court of Queen's Bench under this section in accordance with the regulation with written approval to do so	7
120.1(3)	may make an application for an appeal of a decision of an appeal panel to the Court of Queen's Bench and may instruct legal counsel (subject to the approval of the statutory Director)	7
121(3)	may delegate duties and powers of a director An individual who has been delegated the director's powers and duties assigned to Category 4 (Child and Family Services Regional Director and DFNA delegated director) under this schedule may sub-delegate those duties and powers to Categories 4, 5, 6, 7, 8, 9 and 10 as listed under this schedule. An individual who has been delegated the director's powers and duties assigned to Category 5 (Manager) under this schedule may sub-delegate those powers and duties to Category 5, 6, 7, 8, 9 and 10, if the individual's delegation documents explicitly give this power to the individual.. • A worksite manager (Category 5) can delegate caseworkers who are registered under the *Health Professions Act* or who have a Bachelor of Social Work or Master of Social Work degree. • The Child and Family Services Regional Director or the DFNA Director must delegate caseworkers who are qualified because of their academic qualifications or the combination of academic qualifications and experience.	1 4 5
122(1)	may enter into an agreement with a person for the purpose of providing intervention services to a child under this Act	8

124.1(1)(a)	may enter into an agreement to transfer the guardianship of a child under a permanent guardianship agreement or order	4
126(1)(e)	may consent, in writing, to disclose or communicate information to any person	5
126(4)	may collect and use personal information, including health information as defined in the *Health Information Act* for the purposes of conducting an assessment or an investigation or providing services under this Act	8
126.1(2)	may consent to release the name of a reporter	1
126.11(5)	accepts an application for disclosure of records under 126.11(2)	7
126.2(2)(a)	may publish or consent to the publication of the name of a child and information serving to identify the child or the child's guardian if it is beneficial to the child	1
126.2(2)(c)	may make an ex-parte application to the court to publish the name of a child and information serving to identify the child or the child's guardian and may publish the information	7
127(5)	may order or consent to the destruction of records	1
	may order or consent to the destruction of adoption records	2
128.1(2)	may administer a refund under the *Alberta Personal Income Tax Act* to a child who is the subject of a TGO, PGO or PGA, or a youth under a custody agreement or a family enhancement agreement	7

Duties and Powers of the Minister and director under the Child, Youth and Family Enhancement Regulation delegated by the director to persons employed in the administration of CYFEA:

Section	**Duties and Powers** **Child, Youth and Family Enhancement Regulation**	**Delegated to Category**
1(2)(b)	may form an opinion about whether a person is qualified for the purposes of completing a home study report	5 & 2
5(1)(a)	forms an opinion about whether a person has qualifications or experience or a combination of both to conduct alternative dispute resolutions	5
6(1)	may enter into an agreement with a young adult who has attained the age of 18-years-old who was formerly under the custody or guardianship of the director and living independently	7
7	must keep records with respect to a child who is the subject of an investigation, agreement or order under CYFEA	8
8	must report to the Minister the plan for the permanent placement for a child who has been under permanent guardianship for more than one year	1
10(1)(b)(ii)	forms an opinion about the likelihood of a breakdown of a placement without treatment and determines a satisfactory residential facility for the treatment	7
10(2)	must review a supports for permanency agreement annually and within 30 days of receiving a written request	7
10(3)	may require an agreement be varied or may terminate it based upon a change in the child's needs or the financial ability of the private guardian or adoptive parent	7
12	may provide financial assistance to a caregiver under s.105.8 of the Act	9 & 7
13(1)	accepts an application for financial assistance from a caregiver	9 &7
14(1)	may request an annual eligibility review	9 & 7
14(3)	may withhold benefits until an annual eligibility form is submitted	9 & 7
16(1)	may form an opinion as to whether the child is fully occupied by any acceptable combination of employment, education programming or employment training programming in order to meet the eligibility requirements	9 & 7
16(3)	may pay a basis monthly benefit if, due to a child's age or for medical reasons, the child is unable to be fully occupied in employment, education or training	9 & 7

Section	Duties and Powers Child, Youth and Family Enhancement Regulation	Delegated to Category
17(1)	must deduct income amounts from other specified source of income to calculate the basic monthly benefit	9 & 7
17(2)	may calculate an average amount as the monthly deduction	9 & 7
18	may provide additional financial assistance in the form of supplemental benefits to a caregiver in accordance with s.19-23 of the regulation	9 & 7
19(1)	may pay child care costs to a caregiver if the child attends a licensed child care program or a family day home approved by a director for the purposes of this section	9 & 7
19(2)	may determine that a child requires child care based on demonstrated need	9 & 7
20(1)	may pay out-of-school-care costs if a child is attending an out-of-school-care centre **and** attending grades one to six **or** grades seven to twelve and demonstrates a medical or developmental need of the child	9 & 7
20(2)	may refuse to pay out-of-school-care costs if a caregiver has not applied for and received all eligible subsidies	9 & 7
21	may pay lunchroom supervision fees and school expenses to a caregiver	9 & 7
22	may provide health benefits in respect of a child	9 & 7
23(1)	may pay an annual supplementary enhancement benefit to a caregiver if applicable	9 & 7
26	may request records and documents relevant to eligibility from a caregiver	9 & 7

Duties and Powers of the director under the Residential Facilities Licensing Regulation delegated by the director to persons employed in the administration of CYFEA:

Section	**Powers and Duties** **Residential Facilities Licensing Regulation**	**Delegated to Category**
3(1)	receives an application for a foster home license	9
3(2)(b)	may determine that a consent to obtain specified information of the applicant or an adult resident of a foster home is satisfactory and may obtain the specified information	9
3(2)(e)	may determine other information needed to assess a foster home license application	6
3(4)	accepts an application for a foster home license renewal and determines what information is necessary to assess the foster home	9
4(a)	may conduct an assessment of the applicant and prepare a report	9
4(b)	may require an applicant to provide the results of a new criminal record check, including a vulnerable sector search	9
4(c)	may require an applicant to complete training	9
4(d)	may require an applicant to provided evidence that the foster home is in compliance with applicable health and safety legislation	9
5	may issue a license or a renewal of a foster home license if the conditions set out in this section are satisfied	6
6	may establish the maximum number of children who may reside in a licensed foster home	9
	may approve exceeding the maximum number of children who reside in a licensed foster home	5
8(1)	receives notice of any changes to the residence or the residents or any other change that may impact the ability of a license holder to continue to operate a foster home	9
8(3)	may require the license holder to provide updated evidence regarding compliance with applicable health and safety legislation	9
8(4)	may require a license holder to provide the results of a criminal record check, including a vulnerable sector search, respecting a new resident in a foster home	9
9(c)	may prohibit specific disciplinary measures in a foster home	9
10(2)	receives an incident report	9 & 7

Section	Powers and Duties Residential Facilities Licensing Regulation	Delegated to Category
13(2)(c)(i)	receives an application from an individual for a child and youth facility license, including written consent in a form satisfactory to the director authorizing the director to obtain information on the individual from any other jurisdiction	9
13(2)(f)	may determine other information to assess a child and youth facility application	6
13(3)(c)	may determine other information needed to assess a child and youth facility license renewal application	6
14	may require an applicant to provide evidence of the applicant's partnership or corporate status and evidence of compliance with applicable legislation	9
15	may issue a license or a renewal of a child and youth facility license if the conditions set out in this section are satisfied	6
17	receives notice of any changes in the corporation, partners or chief executive office or any change in the program or procedures	9
17(2)	may require the license holder to provide results of a criminal record check, including a vulnerable sector search, respecting a new partner or Child and Family Services Regional Director	9
19(a)	may determine the format that the license holder uses for record keeping of admissions, discharges and absences from the facility is satisfactory	6
19(b)	may determine the format that the license holder uses for maintaining personnel records of all employees and volunteers is satisfactory	6
20(2)	may require other information needed relative to a child	9 & 7
20(3)	may exempt a license holder form the requirements to keep records in respect of a child who is placed in the facility on a temporary and short-term basis	6
21	may access a copy of facility policies and procedures	9
23(g)	may prohibit specific disciplinary measures in a facility	6
24(1)	approves a facility establishing a room for the purposes of isolating a child	5
24(2)(d)	may approve procedures for the isolation of children	5
25(2)(a)	receives an incident report	9 & 7
25(2)(a)	may set out the manner in which incidents are reported	5

Duties and Powers of the Minister and the director under the Adoption Regulation delegated by the director to person employed in the administration of the Act:

Section	Duties and Powers Adoption Regulation	Delegated to Category
3	may determine information needed to assess a license application or a license renewal application	2
5	may inspect, or cause to be inspected, the premises of an applicant	2
7(2)(d)	receives a copy of an adoption application	2
9(2)	may, in writing, extend the time for completion of the home study report	2
10(3)	may consent, in writing, to an agency approving an adoption applicant about whose suitability the director has concerns	2
10(5)	receives notice that an agency refused to approve an adoption applicant or rescinded the approval	2
12(1)(d)	witnesses a consent to private adoption and provides counselling according to the regulation	5
13(4)	may agree to a placement if satisfied that consent will be obtained within a reasonable time period after placement	2
13(5)	receives copies of reports	2
13(7)	receives documentation about notification or efforts to notify the biological father	2
13(8)	receives notice about an adoption placement	2
15	may authorize, in writing, an adoption placement for a child who is in the custody of the director	2
16(2)	receives notice that an adoption applicant terminated an adoption placement	2
20	receives documentation transferred by an agency	2
21(1)	receives an agency's annual financial statement and report	2
21(2)	may require an agency to submit statistical information and reports relating to its operation or copies of any records relating to an adoption or adoption placement	2
22(3)	receives notice about the designation of a program director	2
23(1)(o)	may form an opinion that other services are necessary relating to an adoption	2

Section	Duties and Powers Adoption Regulation	Delegated to Category
23(4)	receives a statement of fees charged in respect of an adoption	2
25(3)	may form an opinion about whether advertising contravenes s.26(2) and may, in writing, order the agency to take rectification measures within specified timelines	2
27(2)(b)	may determine that an application for a child's entry into Canada will be considered	2
27(3)	will advise an applicant of the requirements of international adoption and provide an applicant with an authorization to obtain a home study report from an agency	2
28(1)	receives a completed home study report	2
28(2)	may approve or refuse to approve a home study report or request additional information	2
28(3)	receives an update report after approval of the home study report	2
29(1)	receives information of any change during the international adoption process that might affect eligibility or suitability to adopt	2
29(2)	may require an addendum to a home study report if the circumstances have changed significantly	2
29(3)	may approve or refuse to approve an addendum to a home study report or may request additional information	2
30(1)	may approve an international adoption placement form a non-designated State	2
30(2)	may determine that exceptional circumstances exist to support the placement of more than one child with an applicant within a one-year period	2
30(4)	receives a notice of appeal	2
32	performs the functions of the competent authority for Alberta	2

Duties and powers of the director under the Resource Rebate Regulation delegated by the director to persons employed in the administration of the Act:

Section	Duties and Powers Resource Rebate Regulation	Delegated to Category
2(2)	may expend the refund paid to a child who is the subject of a TGO, PGO or PGA, or a youth under a custody agreement of a family enhancement agreement, *in any manner per policy*	7

Part 2 – Implicit Duties and Powers

The director assumes certain powers and duties that are implicit in the role of guardian, where the director has custody and/or guardianship of a child.

For any child receiving services under CYFEA, decisions should be made based on the best interests of the child, and made in keeping with s.2 Matters to be Considered.

Duties and powers of a director implicit in the role of guardian and delegated by the director to persons employed in the administration of the Act:

Topic	Duties and Powers Role of Guardian	Delegated to Category
Placement	decides where a child shall live	8
	provides permission for out of province travel	5
	provides permission for out of country travel	4
	may consent to advertise for a foster home for a specific child	6
	sub-delegates duties and powers to a caregiver or placement provider	8
	may consent to a child living out of province or to supervise an out of province child	4
	may consent as guardian to the "permanent placement adoption (PPA)" of a child under permanent guardianship	5
Access	facilitates involvement of a child with family and other significant persons	7
	may consent to involvement of a child in a research or survey project	5
Treatment	may consent to, arrange for and evaluate counselling or other mental health treatment for a child	8
	may consent to the use of emotion, thought or behaviour altering drugs or aversion therapy for a child in care	4
	may consent to ordinary medical and dental care for a child under apprehension	8
	may consent to making an application to the court for essential medical, surgical, dental or remedial treatment under s.22.1 for a child under apprehension	5

Topic	Duties and Powers Role of Guardian	Delegated to Category
	may consent to making an application to the court for essential medical, surgical, dental or remedial treatment under s.22.2 for a child under the guardianship of the director	5
	may consent to ordinary medical and dental procedures, including immunizations, for a child under the guardianship of the director	7
	may consent to emergency treatment or surgical procedure for a child under the guardianship of the director	5
	may consent to exceptional medical procedures, including abortion or cessation of life supports for a child under the guardianship of the director	4
	may consent to significant, sensitive, high-risk, radical, research or innovative procedures	4
Legal	ensures that a child has access to legal counsel	7
	may consent as guardian to the marriage of a child under the guardianship of the director	5
Other	may apply for a passport for a child under 16 years of age	7
	may give consent for a child to acquire a license/permit for vehicle operation (e.g. learner's permit, driver's license)	7
	may give consent to acquire licenses/permits for firearms	5
	may consent to a child participating in a high-risk recreational activity (e.g. bungee jumping, operation of an off-road vehicle)	5
	may consent to a change of religious affiliation requested by a child under permanent guardianship	6

Definitions:

Ordinary medical and dental care

- Procedures that are administered and performed on a routine basis and that do not require hospitalization, surgery or use of general anaesthetic.
- This includes, but is not limited to, physical examinations and medical treatment for minor illness and injury.

Emergency Treatment or surgical procedures

- Immediate measures necessary to preserve the life, health or physical well-being of a child.

Part 3 – Duties and Powers Sub-delegated to Caregivers and Placement Providers

The director may sub-delegate certain duties and powers that are implicit in the role of guardian to emergency caregivers, foster parents, kinship care providers, adoptive parents (prior to the granting of an adoption order) or other persons providing care to a specific child.

Sub-delegation requires written authority for each responsibility, naming the child for whom authority is delegated. Sub-delegation is done by completing either of the following forms for **each child**:

- Delegation of Powers and Duties to a Child Caregiver [CS1631]
- Sub-delegation of Powers and Duties to a Child Care Provider [CS1757]

Duties and Powers
a. Decides day-to-day matters such as diet, dress and discipline within Ministry policy.
b. Decides involvement in social activities such as peer associations, field trips, camping experiences and recreation.
c. Decides educations and employment matters such as identifying resources, consenting to enrolment, and evaluation utilization.
d. Gives consent to acquire recreational licenses and permits **other than** for firearms or vehicle operation (e.g. fishing license).
e. Consents to ordinary medical or dental care.

Definition:

Ordinary medical and dental care

- Procedures that are administered and performed on a routine basis and that do not require hospitalization, surgery or use of general anaesthetic.
- This includes, but is not limited to, physical examinations and medical treatment for minor illness and injury.

Duties and Powers of a Director under Related Legislation

Specific duties and powers are assigned to a director under CYFEA in other pieces of legislation. These duties and powers are delegated by the director to persons employed in the administration of CYFEA.

Drug-endangered Children Act (DECA)

DECA explicitly gives specific duties and powers to the director. Per s.1(1)(c) of DECA, "director" means a director under CYFEA; the director's authority to delegate powers and duties under CYFEA extends to DECA. An individual who is delegated under CYFEA may also be delegated under DECA.

Section	Duties and Powers DECA	Delegated to Category
2(1)	forms an opinion about a child being drug-endangered	8
2(1)	may apply ex-parte for an order, and by force if necessary, to apprehend a child or to enter and search for a child	8
2(2)	may apply for an order by telecommunications if necessary	8
2(7)(b)	completes a facsimile of an order made by telecommunication	8
2(9)	may apprehend a child without an order if the child's life, health or safety is seriously and imminently endangered	8
2(10)	may, without an order and by force if necessary, enter into a place or premises and search for a child whose life or health is seriously and imminently endangered	8
3	notifies the guardian of a child that the child has been apprehended and the reasons for the apprehension, and provides the telephone number of the nearest Legal Aid Alberta office	8
4	provides care, maintenance and services to an apprehended child	8

In accordance with s.5 of DECA, if a director does not return a child to the child's guardian within two days from the date of apprehension, the child is deemed to have been apprehended under s.19 of CYFEA. If this occurs, a caseworker delegated under CYFEA must apply to the court for one of the following:

- a supervision order,
- temporary guardianship order,
- permanent guardianship order,
- an order to return the child to the guardian's custody, or
- an order to return the child to the child welfare authorities of the province they are ordinarily resident.

Protection of Sexually Exploited Children Act (PSECA)

PSECA explicitly gives specific duties and powers to the director. Per s.1(1)(c) of PSECA, "director" means a director under CYFEA; the director's ability to delegate powers and duties under CYFEA extends to PSECA. An individual who is delegated under CYFEA may also be delegated under PSECA.

Section	**Duties and Powers** **PSECA**	**Delegated to Category**
2(1)	may apply to a judge or to the justice of the peace for an order to apprehend, convey, confine and/or enter and search a place or premises	8
2(2)	may make an application by telephone or other means of telecommunication if necessary	8
2(7)(b)	Completes a facsimile of the order made by telecommunication	8
2(9)	may apprehend and convey a child to a protective safe house without an order if a child is believed to be in imminent danger	8
2(10)	decides whether it is necessary to confine a child conveyed to a protective safe house	6
	may confine a child for up to five days	6
2(11)	may enter and search without an order if a child is believed to be in imminent danger	8
2(12)	appears in court to show cause for confining a child	7
2(13)	informs a child of the confinement, the show cause hearing and his/her right to legal counsel	7
2(14)	may ask the court for an adjournment of the show cause hearing	7
2.1(2)	gives the child a request for review form and informs the child of the right to ask the court for a review	7
2.1(3)	receives notice of a request for a review	7
2.1(4)	may ask the court for an adjournment of a review	7
3(1)(a)	receives notice that a child has been apprehended	6
3(1)(b)	returns releases or confines a child who has been apprehended	7
3(2)	decides whether a child would benefit from a further period of confinement	7
	may apply to the court for an order to confine the child for a further period of confinement	7
3(5)	may apply to the court to renew an order to confine and serves the child with an application to renew and order to confine	7

Section	Duties and Powers PSECA	Delegated to Category
3(6)	may apprehend, convey and detain a child who is subject to an order to confine if he/she leaves a protective safe house without authorization	8
3.1(1)	may consent to an adjournment	7
3.2(1)	may apply for a review of the court order to confine a child	7
3.3(1) (a) or (c)	receives notice of review of the court order to confine a child	7
3.1(1)(b)	serves notice of a review on the child and guardian	7
3.4(1)	may appeal an order of the court to the Court of Queen's Bench	1
3.4(2)	may appeal a refusal of the court to make or renew an order to confine	1
3.5(1)	files a notice of appeal	7
3.5(2)	may apply for an order staying the execution of the order appealed pending the hearing of the appeal (in consultation with a lawyer)	7
4(1)	notifies the guardian of a child that the child has been apprehended and of the intention to confine the child	8
4(1.1)	notifies the guardian of the child of an application for an order or the renewal of an order to confine and the time and place of the hearing	7
5	is responsible for a child's care, maintenance and well-being while the child is confined to a protective safe house	1
6(1)	may apply to the Court of Queen's Bench for a restraining order when conditions warrant such action (via a lawyer)	7
6.2	may ask the court to exclude any person from a hearing	7
6.4	may apply to the court to require any evidence	7
6.5(4)	may examine evidence required by a subpoena	7
6.5(5)	may apply to the court to have documents, records, and other information admitted into evidence	7
7.1(1)	may enter into an agreement with the child (if over 16 years) or the child's guardian and the child to make programs and services available	7

Fatality Inquiries Act

The *Fatality Inquires Act* gives a specific duty to a director under CYFEA.

Section	Duties and Powers *Fatality Inquires Act*	Delegated to Category
13	immediately notifies a medical examiner of the death of a child under guardianship or in custody	4

Human Tissue and Organ Donation Act

Section	Duties and Powers *Human Tissue and Organ Donation Act*	Delegated to Category
4	may consent to tissue, organ or body donation for a child under permanent guardianship in accordance with this section.	4

Protection Against Family Violence Act (PAFVA)

Under Ministerial Order 2/99, the Minister has authorized the director under CYFEA to apply for emergency protection orders.

Section	Duties and Powers PAFVA	Delegated to Category
6(1)	may apply for an emergency protection order on behalf of a person who claims to have been the subject of family violence by a family member	8

Alberta Health Care Insurance Act

The Alberta Health Care Insurance Act gives a specific power to a director under CYFEA.

Section	Duties and Powers	Delegated to Category
22(5)	makes a written request for health care services information	7

Alberta Centennial Education Savings Plan Act (ACES) and Regulation

A parent or guardian of a child who is the child's primary caregiver may be a subscriber for a Registered Education Savings Plan (RESP). Under the federal *Income Tax Act*, the statutory Director of *Child, Youth and Family Enhancement Act* is defined as a public primary caregiver, who may subscribe to an education savings plan for a child under the director's guardianship.

Section	Duties and Powers ACES	Delegated to Category
2(1)	may make application for the ACES plan on behalf of an eligible child where the child is the permanent care of the director.	7
	Alberta Centennial Education Savings Plan Regulation	
3(1)	may make application for the ACES plan on behalf of an eligible child where the child is in the permanent care of the director	7

As a Guardian

Under CYFEA, a director may be appointed as a child's guardian. By virtue of being a guardian, a director has the same responsibilities as any parent under federal and provincial legislation. A director should be particularly aware of their "parental" responsibilities under two pieces of provincial legislation:

- ***School Act*** – A director is the "parent" of a child in care under protection services. The director is responsible for ensuring the best educational program for the child and responding to disciplinary action.
- ***Youth Criminal Justice Act*** (YCJA) – the YCJA provides the legislative framework for children between the ages of 12 and 17 who are accused of or commit a crime. If a director is the guardian of a child, the director must exercise their parental rights and responsibilities. In addition to advocating for a youth, a parent:
  - may make a statement before the disposition is made,
  - must be willing to care for a youth under probation, and
  - must apply for jurisdictional transfer if moving.

Section:	**A. Delegation of Authority**	Issue Date: October 1, 2011
Subsection:	**A-3 Interim Delegation for New Caseworkers**	Revision Date: October 1, 2011
		Page 1 of 8

Summary

Providing intervention services requires certain knowledge, skills and personal qualities of caseworkers to effectively perform the tasks associated with each delegated authority. Full delegation of duties and powers under CYFEA (Level 7) cannot be assigned to newly hired caseworkers until they complete the mandatory Delegation Training.

The mandatory training for caseworkers generally takes several months to complete and provides newly hired staff with the opportunity to gain the necessary knowledge and skills regarding CYFEA, PSECA, PAFVA and DECA.

Interim delegation allows worksite managers to assign **limited** delegated duties and powers to newly hired caseworkers who demonstrate competencies in areas associated with specific delegated authorities prior to completing the mandatory training.

Purpose

The purpose of interim delegation is:

- to allow staff members, who demonstrate competencies in certain areas prior to the completion of training, to exercise lower-level delegated powers and duties under guidance,
- to identify the authorities that may be delegated prior to being delegated at the caseworker category level,
- to stage delegation into levels leading to delegation of all caseworker category level powers and duties, and
- to identify the competencies related to the delegated authorities.

Completion of Interim Delegation

Guiding Principles

- The individual's immediate supervisor must monitor the use of the delegated authority.
- Delegation is linked to successful demonstration of competencies connected to each related authority.
- The authorities listed in the competency assessment are in no particular order and the caseworker may be delegated for any number of authorities and in any order. The delegation document will specifically identify the authorities delegated to the caseworker.

Procedures

The supervisor completes the Competency Rating Scale Form with the caseworker. A box must be checked for ***each*** competency to indicate the caseworker's skill level.

- For the competency to be categorized as a "Demonstrated Skill" the caseworker must have demonstrated the skill at least once or enough times to ensure that they can perform the skill consistently. The caseworker must have demonstrated all the competencies linked to the authority before it is categorized as a "Demonstrated Skill."
- For the competency to be categorized as an "Emerging Skill," a caseworker is still progressing towards the development of the skill and has not yet demonstrated the skill.
- The supervisor discusses competency development related to delegation and the ratings with the caseworker regarding emerging skills.

Using the Interim Delegation of Authority template, the supervisor prepares the document for the manager's signature, ensuring the document lists ***only*** those duties, powers and tasks in which the caseworker has demonstrated a skill under the completed Competency Rating Scale.

The supervisor provides the Interim Delegation to the worksite manager for his/ her signature and includes the Competency Rating Scale Form as background information.

The supervisor provides a copy of the **signed** Interim Delegation and cover letter to the caseworker and ensures that he/she understands that the powers, duties and tasks listed in the Interim Delegation are the only authorities he/she may perform under CYFEA.

Competency Rating Scale Form

Description of Authority	Competencies Related to Authority	Competency Rating Scale	
		Emerging Skill	Demonstrated Skill
P(a) May receive a report, collect information for the purposes of conducting an assessment, (including health information as defined in the *Health Information Act*), assess a child's need for intervention services, determine the validity of the report, and make a recommendation about the child/youth's need for intervention services (Reference s.6 of CYFEA)	▪ Demonstrates knowledge of the organizational structure, policies, and service delivery.	☐	☐
	▪ Demonstrates awareness/knowledge of Delegated First Nation Agencies	☐	☐
	▪ Demonstrates an understanding of CYFEA, PSECA, PAFVA and DECA.	☐	☐
	▪ Can apply CYFEA to determine if referral is a report. (Can legally define physical abuse, sexual abuse, emotional injury and neglect).	☐	☐
	▪ Is able to identify and document indicators of abuse, neglect and emotional injury	☐	☐
	▪ Is able to determine immediacy of risk and prioritize response	☐	☐
	▪ Is able to identify the risk to caseworker safety based on information obtained	☐	☐
	▪ Demonstrates the ability to access and utilize both CYIM (Child and Youth Information Module) and ISIS (Intervention Services Information System), is familiar with the screening forms and process of receiving a referral	☐	☐
	▪ Documentation is relevant, clear, factual, and behaviorally descriptive	☐	☐
	▪ Demonstrates interview skills and information gathering skills	☐	☐
	▪ Is able to identify community resources and demonstrates the ability to network and facilitate linkages for children, youth and families within their community	☐	☐
P(b) May make referrals, gather information, and conference with collateral contacts	▪ Is able to identify community resources and demonstrates the ability to network and facilitate linkages for children, youth and families within their community	☐	☐
P(c) May refer a family (or member of a family) to community resources for services	▪ Demonstrates knowledge of community resources, ability to network, and the ability to clearly communicate the service expectations to the service provider	☐	☐

Description of Authority	Competencies Related to Authority	Competency Rating Scale	
		Emerging Skill	Demonstrated Skill
P(d) Informs a child/youth of the child/youth's procedural rights (Reference s 2.1 of CYFEA)	▪ Demonstrates knowledge of the Procedural Rights pamphlet and policy related to children's procedural rights.	☐	☐
P(e) May notify and serve the guardian/child/youth with notice of the court hearing (Reference s.23 of CYFEA)	▪ Understands the role of the court system in protection cases	☐	☐
P(f) May convey a child/ youth to a person who has been appointed to temporarily care for the child (Reference s.7(1) of CYFEA)	▪ Has working knowledge of car seat standards	☐	☐
P(g) May liaise with First Nations (Reference s.67 & s.107 of CYFEA)	▪ Is able to identify how cultural considerations influence casework practice	☐	☐
	▪ Is able to identify when, how and why consultations occur on behalf of Aboriginal children, youth with families and communities	☐	☐
P(h) May supervise visits between a child/youth under the care and or custody of the director, and his or her family (Reference s.28(3) of CYFEA)	▪ Demonstrates the ability to write contact notes that are behaviorally specific, concise and relevant to child protection concerns	☐	☐
	▪ Demonstrates the ability to substantiate and record factors that contribute to or sustain child protection issues	☐	☐
P(i) May prepare reports for court, plans, assessment records, case closure, case transfer, contact notes, consents for consultation	▪ Is able to identify and incorporate cultural factors into case planning and case assessments	☐	☐
	▪ Is able to identify and support permanency planning for child/youth	☐	☐
	▪ Is able to translate casework assessments into written documents that are succinct, informative and professional	☐	☐
	▪ Is able to write contact notes that are behaviorally specific, concise and relevant to child protection concerns	☐	☐
	▪ Is able to negotiate concurrent/ transitional plan goals that are directed to alleviating unmet needs	☐	☐

Description of Authority	Competencies Related to Authority	Competency Rating Scale	
		Emerging Skill	Demonstrated Skill
	▪ Is able to utilize the Enhancement Policy Manual to answer questions about requirements for completing the document	☐	☐
P(j) May arrange for burial or disposition of the body of a child/youth who is under temporary or permanent guardianship if unable to locate the other guardian or the other guardian is unable to pay (Reference s.42 of CYFEA)	▪ Is able to identify how cultural considerations influence casework practice	☐	☐
	▪ Demonstrates knowledge of provincial and regional policy regarding burial of a child/youth under temporary or permanent guardianship	☐	☐
P(k) May request, explore and arrange placement options for a child/youth	▪ Is able to describe foster care classification and matching	☐	☐
	▪ Is able to describe how to access the full spectrum of placement providers.	☐	☐
	▪ Is able to identify placement priorities according to policy	☐	☐
P(l) May facilitate involvement of a child/youth with family and other significant persons	▪ Is able to identify community resources and demonstrates the ability to network and facilitate linkages for children, youth and families within their community	☐	☐
P(m) May consent to, engage, and evaluate counselling and/or other support services	▪ Is able to identify community resources and demonstrates the ability to network and facilitate linkages for children, youth and families within their community	☐	☐
P(o) Ensures a child/youth has access to legal counsel and notifies a director when the child/youth is involved in legal action as a defendant	▪ Is able to identify legal counsel resources	☐	☐

(Date)

Jane Smith
Casework….
CFSA/Office

RE: Interim Delegation of Authority and Assignment of Duties

Welcome….

To fulfill your full responsibilities as a Caseworker, you will need to attend the mandatory delegation courses. Once you have successfully completed mandatory training, a delegation will be issued to you setting out all the powers under the *Child, Youth and Family Enhancement Act*, and other relevant Acts, normally delegated to employees in a Caseworker role.

In the interim, a small number of powers and duties have been delegated to you to authorize you to perform some tasks under the Act in relation to child intervention services. Those services are set out in the attached Interim Delegation of Authority and Assignment of Duties document.

Please note that your authority respecting child intervention is limited to the powers, duties and tasks set out in the attached document. Any functions beyond those must be performed by your supervisor, *(enter supervisor's name).*

Casework Supervisor Dated

Attachment

INTERIM DELEGATION OF AUTHORITY

AND ASSIGNMENT OF DUTIES

Child, Youth and Family Enhancement Act

WHEREAS the Chief Executive Officer of CFSA Name has delegated to me, Manager's Name & Title, certain duties and powers under the Act, and the authority to sub-delegate those duties and powers;

I, Manager's Name, Manager's Title, CFSA Name Child and Family Services Authority, hereby delegate to Employee Name, Employee Title, CFSA Name Child and Family Services Authority, the following duties and powers under the *Child, Youth and Family Enhancement Act*:

Section 6(1)	Receive a report, collect information for the purposes of conducting an assessment (including health information as defined in the *Health Information Act*), assess a child's need for intervention services, and determine the validity of the report;
Section 2.1	Inform a child of the child's procedural rights;
Section 23	Notify and serve a guardian and a child with notice of a court hearing;
Section 7(1)	Convey a child to a person who has been appointed to temporarily care for the child;
Sections 67 & 107	Liaise with a designate of a band respecting a child believed to be an Indian;
Section 28(3)	Supervise visits between a child, who is under the care and or custody of the director, and the child's family;
Section 42(1)	Arrange for burial or disposition of the body of a child who was under permanent guardianship at the time of death
Section 42(2)	Arrange for burial or disposition of the body of a child who was under temporary guardianship at the time of death if the other guardian cannot be located or if the other guardian is unable to pay for the burial.

AND I FURTHER assign the following duties and tasks with respect to a child receiving services under the *Child, Youth and Family Enhancement Act*:

- make recommendations to a supervisor respecting a child's need for intervention services;
- make referrals, gather information, and conference with collateral contacts;

- refer a family or a member of a family to community resources for services;
- prepare ongoing assessment records, case closures, case transfers, face sheets, contact notes, and consents for consultation;
- prepare documents for submission to the court such as reports required by the court, concurrent and transition plans to be co-signed by a Casework Supervisor or Caseworker with the appropriate delegated authority;
- request, explore and arrange placement options for a child/youth (includes permission for out of province travel);
- facilitate involvement of a child with family members and other significant persons;
- consent to, engage, and evaluate counselling and/or other support services;
- ensure a child has access to legal counsel and notify a director when the child is involved in legal action as a defendant.

This delegation and assignment is effective ______________ and expires

(a) when revoked,
(b) when a subsequent delegation under the *Child, Youth and Family Enhancement Act* is provided to Caseworker's Name, or
(c) when Caseworker's Name ceases to be employed by Alberta Human Services in the capacity of Employee Title with the CFSA Name Child and Family Services Authority,

whichever should occur first.

DATED at Edmonton, Alberta this _________ day of ____________________, 2013.

____

Manager's Name

CFSA Name

Appendix B: Collaboration with Community and Government Agencies

Section:	**B. Collaboration with Community and Government Agencies**	Issue Date: October 1, 2011
Subsection:	**Protocols and Guidelines**	Revision Date: May 1, 2014
		Page 1 of 4

Overview

Effective deliverance of intervention services requires cooperation among programs within Human Services, collaboration with other government ministries, and cooperative engagement with community services. Through a collaborative and multi-disciplinary approach to assessment and service provision, the scope of information gathered and utilized by Human Services is broadened, and the ability to access effective resources for families is enhanced. Improved liaising with community and government programming increases family engagement, promotes parental capacity, and strengthens child well-being.

In consultation with community organizations, ministry programming, and joint-ministry initiatives, protocols and guides have been developed to facilitate improved working relationships between these bodies and Human Services.

Protocols

Below is a listing of various protocols and guides to be utilized when working with community and government resources. These initiatives offer best practice guidelines for effective collaboration and communication between organizations. Listed below is a brief synopsis of each protocol along with the appropriate internet link to the protocol webpage.

The information below is listed in alphabetical order according to protocol/guide title.

Building a Collaborative, Community Based Response: A Guide for Shelters and Child and Family Services Authorities in Protocol Development

A provincial guide for collaborative work between Human Services and Alberta women's shelters has been developed to guide regional protocol development and provide direction to Human Services staff without a regional protocol.

Protocol Development

Case Management Protocol for Discharge Referrals from AHS PChAD to Alberta Human Services CFSAs/DFNAs

Human Services and Alberta Health Services (AHS) established an inter-ministry protocol for collaboration when jointly working with a child upon discharge after being confined under PChAD. The protocol clarifies the roles and responsibilities of PChAD staff and CFSA/DFNA caseworkers when a child or youth is discharged from a protective safe house.

Case Management Protocol

Forging a Path for the Future: Family Group Conferencing Guidelines

Family Group Conferencing (FGC) is used to address child intervention concerns through collective problem solving and case planning with family and other supports including extended family, service providers and community members. This guide outlines the purpose and process of FGC, provides key considerations for implementation, and includes suggested parameters to ensure continuity and quality of service.

Forging a Path for the Future: Family Group Conferencing Guidelines

Mediation Program Guidelines

Mediation may be utilized as a form of alternative dispute resolution, in any instance where a dispute occurs in the child intervention/protection context. These guidelines establish a process for utilizing mediation, clarify roles and responsibilities, and provide practice parameters to ensure quality service.

Mediation Program Guidelines

Policy Framework for Services for Children and Youth with Special and Complex Needs and their Families

The Children and Youth with Complex Needs (CYCN) initiative provides an opportunity for service coordination for the benefit of children and youth who require significant and extraordinary services due to the unique nature and severity of their impairment. This initiative serves as a single access point for coordinated services from the ministries of Education, Health and Wellness and Human Services. Children can be referred to this program by contacting the Provincial Coordinator.

Policy Framework

Program Coordination Protocol between Child Intervention Services and Family Support for Children with Disabilities Program

Human Services developed a protocol to facilitate a consultative case planning model between Child Intervention Services and Family Supports for Children with Disabilities. The protocol establishes processes for collaboration between the two Human Services programs and clarifies responsibilities in each program area.

Program Coordination Protocol

Protocol for Adoption Media Recruitment

This protocol establishes the process for using adoption media recruitment methods when no approved adoptive home is available for a child who has been referred for adoption matching. The protocol was developed to ensure that appropriate informed consents are obtained prior to using this method of recruitment and that all parties involved are aware of the implications of media exposure.

Provincial Protocol for Adoption Media Recruitment

Protocols for Handling Child Abuse and Neglect in Child Care Services

This protocol was developed to assist child care professionals with recognition of abuse and neglect, as well as to foster a coordinated and effective response to intervention concerns. The protocol clarifies the role of a child intervention worker, and outlines the responsibility of child care staff to accommodate the process of assessment.

Protocols

Provincial/Territorial Protocol on Children and Families Moving between Provinces and Territories

This protocol establishes processes to ensure that children and families experience effective delivery of services when moving between Provinces and Territories within Canada. This protocol provides a framework for consistent and quality service for children and families, as well as methods for effective communication between the various Provincial/Territorial authorities.

Provincial/Territorial Protocol

Responding to Child Abuse: A Handbook

This handbook provides guidance for a network of service providers, including health care workers, law enforcement officials, child care providers and school staff, when involved in a child intervention matter. The handbook clearly outlines what constitutes abuse, the responsibility to report and the role of delegated intervention services caseworkers in assessing risk. The handbook offers processes to effectively conduct assessment activities in the community.

Responding to Child Abuse

Success in School for Children and Youth in Care: Provincial Protocol Framework Initiative

Human Services and Alberta Education have developed a joint ministry protocol to facilitate collaboration between the two provincial systems. The protocol is designed to address disparity of school success for children in the care of the director and outlines strategies to improve educational outcomes. Guidelines are provided for development of regional agreements that focus on the formation of positive working relationships and joint decision making among children in care, Human Services staff, caregivers, educators and other partners.

Provincial Protocol Framework Initiative

Youth Criminal Justice Protocol

The Youth Criminal Justice Protocol establishes procedure for ongoing contact between Human Services and the Solicitor General and Public Security in managing joint clients. The protocol provides direction for staff collaboration to benefit youth who have a potential or current joint status with both provincial systems.

Youth Criminal Justice Protocol

To report a broken link click here.

Appendix C: Matters Before the Director for Further Consideration

Section:	**C. Matters Before the Director for Further Consideration**	Issue Date: October 1, 2011
Subsection:	**C-1 Matters Returned to the Director for Further Consideration**	Revision Date: November 27, 2014 Page 1 of 7

Overview

The policy and process contained herein are solely for the use of the statutory Director and the staff of the statutory Director's office.

On October 1, 2009, amendments to CYFEA came into force that changed the authority of the appeal panel. For certain matters, the appeal panel is limited to confirming the original decision of the director or returning the matter to the statutory Director for further consideration.

The information that follows is provided for **reference purposes only** to illustrate the process that occurs after an appeal panel returns a matter to the statutory Director for further consideration. This process was implemented on October 1, 2009.

Summary

This policy is solely for the use of the Director of Child, Youth and Family Enhancement Act (statutory Director) and the staff of the statutory Director's office when an Appeal Panel refers a decision for further consideration to the statutory Director pursuant to s.119(2).

Certain decisions made by a director or director's delegate (i.e. caseworker, casework supervisor, manager) can be appealed to an Appeal Panel under s.120 of the *Child, Youth and Family Enhancement Act* (CYFEA).

For matters that fall under s.120(2)(b) to (f.2), (g) or (5), an Appeal Panel has the authority, pursuant to s.119(2.1), to confirm, reverse or vary the original decision. A further option is available, to both the appellant and the director, for a statutory appeal to the Court of Queen's Bench which has the authority to confirm, reverse or vary the original decision.

For matters that fall under s.120(2)(a) to (a.4) or (f.3), an Appeal Panel's authority, pursuant to s.119(2), is limited to confirming the original decision or returning the matter to the statutory director for further consideration. The statutory Director then has the ability to confirm, vary or reverse the original decision. The decision of the statutory Director is then final and cannot be appealed to an Appeal Panel. If the appellant is not satisfied with the statutory Director's decision following further consideration, the appellant is limited to applying to the Court of Queen's Bench for judicial review of the decision.

If new information has been considered by the statutory Director as a part of the reconsideration process under s.119(2), then the decision of the statutory Director is considered to be a new decision and the appellant will have the ability to request an administrative review, and subsequently an appeal to the Appeal Panel.

With respect to the following matters, the appeal panel is limited to either confirming the decision under appeal, or referring the decision to the statutory Director for further consideration:

- the placement of or removal of a child from a residential facility or foster home, if the child is the subject of a temporary guardianship order or a permanent guardianship agreement or order
- specific decisions respecting the licensing of residential facilities and foster homes:
    - terms and conditions imposed on a renewal of a residential facility license
    - a refusal to renew a residential facility license
    - a rectification order after inspection
    - the variation, suspension or cancellation of a residential facility license

- the decision of the director regarding the approval of a home study for international adoption
- the decision of the director to refuse to approve an international adoption placement

Policy

The statutory Director will give further consideration to matters referred by the Appeal Panel under s.119(2) in a reasonable amount of time.

Further consideration of a decision by the statutory Director is limited to information that was before the Appeal Panel. The decision of the statutory Director is final and cannot be appealed to an Appeal Panel; the only recourse available to the appellant in such circumstances is a judicial review at the Court of Queen's Bench.

The decision and the corresponding rationale for the decision will be provided to the appellant in writing.

Fresh Decision

If the statutory Director becomes aware of new information that is relevant to a matter under further consideration pursuant to s.119(2), the statutory Director is under legal obligation to take that information into account in determining the best interests of the child.

In this circumstance, the statutory Director will:

- reconsider the information from the appeal hearing as if no new information regarding the child had come to his/her the attention;
- indicate what the decision would have been based solely on the record. Further, the statutory Director will also indicate that new information relevant to the matter has come to his/her attention, what that new information is, and what decision has been made based on **all** information before him/her, including the new information; and,
- indicate that the decision is a "fresh" decision due to the fact that new information that was not before the Appeal Panel was considered in making the statutory Director's new decision.

In this circumstance, where a "fresh" decision has been made, the parties affected by the decision have the ability to request an administrative review of the new decision and move through the process to an appeal hearing.

Time Lines for the Statutory Director

S.119(2) does not identify a time limit for further consideration of by the statutory Director; however, in keeping with 2(o), it is important that the process of further consideration is completed in a reasonable amount of time.

The statutory Director will reconsider the matter and provide a written decision within **60 calendar days** of receiving written notice from the Appeal Panel that the original decision is being referred back to the statutory Director. The 60 days does not include the day that the written decision of the Appeal Panel is received, but every calendar day thereafter must be counted.

The statutory Director may determine that more time is necessary to complete the review of the matter due to extenuating circumstances. In this event, the statutory Director may choose to extend the time line to complete further considerations of the matter for a period of up to **30 calendar days**. Reasons for the decision to extend the time line will be documented in the statutory Director's records.

Procedure

When written notification is received from the Appeal Panel that a matter is being returned to the statutory Director for further consideration pursuant to s.119(2):

- Confirm that the record from the appeal hearing has been received in its entirety at the office of the statutory Director to allow the statutory Director to complete the review and further consideration of the matter.
- Determine if the appeal hearing proceedings were transcribed by a court reporter. If so, the statutory Director has the discretion to order a copy of the transcripts, at the cost of the office of the statutory Director.
- In the course of reviewing a matter returned for further consideration, the statutory Director has the discretion to
  - request that program staff provide relevant legislation, regulation and policy for consideration as a part of the review, and
  - consult with Human Services Legal Services prior to and during the course of the review.
- In the event that the statutory Director becomes aware of new information that is relevant to a matter under further consideration, the statutory Director is under a legal obligation to take that information into account. The statutory Director **will not** seek out new information that may be relevant to the matter under consideration.
- If the statutory Director becomes aware of new and relevant information, the statutory Director must consider this, and should ensure that this information is documented, including the source of the information, the date the information was received and the reason that it was provided to the statutory Director.
- Send written notification to the appellant that the statutory Director has received notification and will be completing a review of the information from the appeal hearing, using the template in Appendix A.

- Once the statutory Director has made a decision, the rationale for the decision and the decision must be documented and sent to the appellant and the affected worksite.
- If the decision is a "fresh" decision, the written notification must clearly identify this and indicate that the appellant has the ability to request an administrative review of the new decision.
- Retain a copy of the appeal hearing record and the decision in the records of the office of the Director, Child, Youth and Family Enhancement Act.

Legislation

Pertinent excerpts from CYFEA:

> **S.119(2)** *If an appeal is made from a director's decision referred to in section120(2)(a) to (a.4)of (f.3), the Appeal Panel may, subject to this Act and the regulations, confirm the decision or refer the matter back to the director for further consideration.*
>
> **S.120(2)** *An appeal may be made from a decision of a director that has been reviewed under section 117.1 respecting the following:*
>
> *(a) the removal from or placement in a residential facility of a child who is the subject of a temporary guardianship order;*
>
> *(a.1) terms and conditions imposed on a renewal of, but not on the original issuance of, a residential facility license under section 105.3;*
>
> *(a.2) a refusal to renew a residential facility license under section 105.3;*
>
> *(a.3) an order made under section 105.6;*
>
> *(a.4) the variation, suspension or cancellation of a residential facility license under section 105.7;*
>
> *(f.3) a matter prescribed in the regulations as being*
>
> > *(i) subject to an Appeal Panel, and*
> >
> > *(ii) a matter in respect of which the Appeal Panel may only make a decision referred to in section 119(2)*

Approvals

David Wilson, Director, Child, Youth and Family Enhancement Act	Date
Mark Hattori, Assistant Deputy Minister Program Quality and Standards Division	Date

Template notifying appellant of matter returned to Director for further consideration

Date (Month Day, Year)

{Title} {First_Name} {Last_Name}
{Job_Title}
{Organization}
{Address}
{City}, {Province}
{Postal_Code}

Dear {Title} {Last_Name}:

On {insert date} the Enhancement Appeal Panel held an appeal hearing regarding {the matter}.

The Appeal Panel referred the matter to me for further consideration pursuant to s.119(2) of the *Child, Youth and Family Enhancement Act*. Notification of this action was received by my office on {month day, year}.

I will review the information from the appeal hearing, and I will provide you with my decision regarding the matter in writing as soon as possible.

Sincerely yours,

David Wilson,
Director of the Child, Youth and Family Enhancement Act

cc:

Appendix C: Matters Before the Director for Further Consideration

Section: **C. Matters Before the Director for Further Consideration**	Issue Date: November 27, 2014
Subsection: **C-2 Publication Ban**	Revision Date: November 27, 2014
	Page 1 of 3

Overview

On July 22, 2014, amendments to CYFEA came into force stating that CYFEA publication ban does not apply in the case of a deceased young person. The intent of the amendments is to empower families to speak publicly about their child, share the name and picture of the child, and enable them to share their experiences and stories with the media and community.

Parents, guardians, family members or other interested parties of young persons who died while receiving services or while in care, who do not wish to have the name and photo of their child released to the public may make an ex-parte application for a publication ban.

In cases where the Government of Alberta (i.e., the Statutory Director under CYFEA) has guardianship (PGO or TGO) for surviving siblings or children of the deceased young person *and* additional criteria are met, the Statutory Director *may* make an application to the court for a publication ban.

- consult family members and other parties, if possible and appropriate; and
- provide timely notification of the application to the family and interested parties.

Publication Ban

Steps to Follow if Family is Making an Application for a Publication Ban

Have an immediate discussion with the family (e.g. parents, guardians, or other family members) about the potential for the deceased young person's information and photo to be published by the media.

The discussion should be done in a sensitive and culturally appropriate manner with the young person's parents, guardians, family members, and when applicable the First Nations designate.

- A family may choose to apply for a publication ban for a variety of reasons, including protecting the identity of, and preventing harm to, any siblings of the deceased young person.
- If a family member decides to apply for a publication ban they must complete the Court forms provided in the regulation and submit an ex-parte application.
    - Parents, guardians or family members may need assistance filling out their independent application.
    - Surviving siblings, parents or other interested parties who were not the guardians at the time of the young person's death may need assistance to make a standing in court to be eligible to file an application for a publication ban.

Considerations for Statutory Director to Determine if an Application for a Publication Ban is Necessary

In the **exceptional** circumstance that an application may be required the Statutory Director will consider whether:

- The Director was the guardian of the child immediately preceding their death (PGO or TGO)
- The deceased young person's wishes are known
    - Consider the young person's decision making skills
- It is determined that publication may cause harm to siblings or children of the deceased young person for whom Director has guardianship responsibility (PGO or TGO).
    - The caseworker will determine potential harm to the siblings, or surviving children of the deceased through discussions with caregivers, school counsellors, doctors, psychologists, etc.

In determining whether to apply to Court for a publication ban, the Director will also consider whether there are parents, guardians or other family members available to file an application for a publication ban and what their choice is.

The considerations outlined in legislation will be reviewed in collaboration with the Child and Family Services Regional Director/DFNA Director, and if applicable the First Nations designate in consultation with the young person's family, to determine if the Statutory Director should proceed with an independent application for a publication ban.

- The Statutory Director is provided with a recommendation regarding whether to apply to the court for a publication ban. The recommendation should identify the considerations including:
    - The wishes of the deceased young person, if known,
    - The grounds for any expectation of harm to surviving siblings or children for which the Statutory Director has guardianship.

  - The perspective of the First Nations designate, if applicable.

The Statutory Director will make a decision based on the recommendation within 24 hours of its receipt.

- The Statutory Director will notify the Child and Family Services Regional Director/DFNA Director, who ensure that family members and if applicable, the First Nations designate, are aware of the decision to apply for a publication ban.
- The Child and Family Services Regional Director/DFNA Director completes and files an application for a publication ban. They **must** engage SELT or the DFNAs' independent legal counsel when filing the application with the court.
  - DFNA legal counsel may consult with SELT on a case by case basis, when additional support is requested by the DFNA.
- Document in ISIS the decision to apply or not apply for a publication ban and the corresponding rationale for the decision on the young person's file.

Service

Advanced notice will be provided to interested parties of the intent to apply for a publication ban. The intent of providing advanced notice is to increase the transparency of the ex-parte process to the extent possible.

  - Consult with SELT, or DFNA legal counsel, when providing advance notice of an application for a publication to the media.
  - It is mandatory to notify the departmental Communications Branch Director when the Child and Family Services Regional Director/DFNA Director, on behalf of the Statutory Director, intends to file an application.

- If the Court makes an order implementing a publication ban, serve a copy of the order to all identified parties including but not limited to the parents, guardians, First Nations designate, and the media.
  - Consult with SELT, or DFNA legal counsel, when serving an order to the media.
    - DFNA legal counsel may consult with SELT on a case by case basis, when additional support is requested by the DFNA.
  - Departmental Communications Branch must be involved in the serving of the order to the media.

Appendix D: Practice Supports

Practice Support No: **D-1 Matters To Be Considered**	Issue Date: October 1, 2011
Policy Reference:	Revision Date: October 1, 2011
	Page 1 of 5

Overview

The *matters to be considered* in s.2(a)-(p) are legislated guiding principals that support the vision and mission of Human Services. These principles reflect the goals of permanency, parental responsibility, collaboration, least intrusiveness, and respect for cultural heritage. All decisions made under CYFEA must support the principles represented by the *matters to be considered* to ensure decision-making occurs in the best interest of the child.

Listed below is each *matter to be considered* in order of legislative listing. A brief explanation of that *matter* is given, along with relating implications for practice. To read each literal subsection, refer to CYFEA legislation.

Matters To Be Considered

The Family Unit

Section 2(a) underscores the importance of the family unit and acknowledges that supporting and preserving families is critical to a healthy society.

- Identify and provide intervention services and community supports that will enable a child to remain safely within the family unit.
- Removal of a child from the family should only be considered if all other measures are deemed ineffective in achieving safety.

Stable, Permanent, Nurturing Relationships

Section 2(b) emphasizes the need to establish stable, permanent, and nurturing relationships for a child, as it is critical to their healthy development.

- Attempt to establish permanency within the child's immediate and extended family.
- If permanency within the family is not an option, seek out nurturing relationships elsewhere through community resources, adoption, private guardianship, and supported independent living.

Provision of Services with Least Disruption

Section 2(c) emphasizes that providing intervention services must be completed in a manner of least disruption to the child.

- Provide intervention services that establish safety for a child while maintaining stability, permanency, and nurturing relationships.

Consideration of the Child's Opinion

Section 2(d) stresses that a child is entitled to express their opinion regarding case planning and decision-making.

- Solicit and listen to a child's ideas and perspectives.
- Consider a child's opinion during decision making.

Family Responsibility

Section 2(e) outlines the principle of parental responsibility. Regardless of the intervention service provided, a family still holds the primary obligation for the care and maintenance of their child.

- Assist the guardians in understanding and realizing their responsibility to provide for and protect their child.
- Continually encourage and require the family to provide support to the child.
- Whenever possible, provide intervention services in a manner that maintains the family's care giving role.

Domestic Violence

Section 2(f) states that in cases involving domestic violence, intervention services should be provided in a manner that supports the abused family member in maintaining care giving responsibilities.

- Assess the ability of the abused family member to protect the child.
- Provide support services to assist the abused family member to safely maintain care giving responsibilities.

Risk to the Child

Section 2(g) emphasizes the need to assess risk to the child if the child remains with the family, is removed from the family, or is returned to the family.

- Base the decision to remove or return a child on an assessment of the risk in the home.
- Consider possible intervention services that could alleviate risk and allow the child to remain or return home.

- Consider the following questions:
    - What can be done to alleviate risk and leave the child in the home?
    - What is the family currently doing to maintain safety for the child?
    - What is the family willing to do to ensure safety?

Referral to Community Services

Section 2(h) outlines the principle of differential response, wherein positive community connections and referrals can prevent the need for intervention services.

- Support families in connecting to their communities by providing information and referrals to community resources.
- Collaborate and work in partnership with communities to access resources, support the family and build parental capacity.
- When appropriate, cease the provision of intervention services when a referral to community services alleviates the need for intervention.

Guidelines for Placement Outside Family

Section 2(i) indicates the necessary considerations when placing a child outside of the family home.

- Explore the possibility of placement within the child's extended family and community to facilitate least disruption to the child.
- When determining the suitability of a placement consider the ability of the potential placement provider to support connections with the child's community of origin.
- Assess the ability of any proposed placement to meet a child's emotional and physical needs.

Scope of Intervention Services

Section 2(j) explains that the intention of intervention services is to alleviate the circumstance that caused the child to be in need of intervention.

- Provide intervention services that specifically address the need for intervention.
- Indicate through case planning the methods of service provision to alleviate the need for intervention.

Collaborative and Multi-Disciplinary Approach

Section 2(k) identifies the value of a collaborative and multi-disciplinary team approach to providing intervention services.

- Work closely with families, informal supports and community resources in addressing child protection concerns.
- Explore familial, informal, and formal resources to provide support in a manner of least disruption to the child.

Consistency of Care with Community Standards

Section 2(l) is designed to ensure that the care provided to children under CYFEA is consistent with community standards and available resources.

- Ensure the level of care provided to children is consistent with community standards.

Permanency Planning

Section 2(m) outlines the requirements to incorporate principles of early permanency for children and youth in case planning.

- Ensure all case plans address a plan for permanency, stability and continuity of care.
- Develop case plans for youth that support successful transition to independence and adulthood.

Respect for Cultural Heritage

Section 2(n) recognizes the importance of preserving a child's culture and heritage.

- Gain knowledge of a child's culture through education and research.
- Discuss the child's cultural needs with the placement provider.
- Ensure that the provision of intervention services reflect the cultural needs of the child.

Timeliness of Decision Making

Section 2(o) stresses that decisions affecting a child should be made and implemented without unreasonable delay.

- Complete the decision making process in a timely manner.

Respect for Aboriginal Culture and Heritage

Section 2(p) highlights the importance of respecting the culture of Aboriginal children, families and communities.

- Provide intervention services in a manner reflective of the child's Aboriginal community and traditions.
- Respond appropriately to the needs of Aboriginal children by ensuring that the cultural identity of an Aboriginal child is nurtured while in the care of the Director.

Appendix D: Practice Supports

Practice Support No:	D-2 Situations to Consider Making a Referral to LRCY	Issue Date: October 1, 2011
Policy Reference:	8.1.2 Legal Representation for Children and Youth	Revision Date: October 1, 2011 Page 1 of 2

Overview

A child or youth may be represented by a lawyer through LRCY when receiving services under CYFEA or PSECA. There are many situations that arise where a child or youth would benefit from obtaining legal representation.

Practice Support

Situations Where Referrals Should be Considered

Obtaining legal representation for a child or youth should be considered in the following situations:

- A child or youth disagrees with the director's application (including an application for Private Guardianship under s.52.).
- A child or youth is appealing a decision of the director to the Appeal Panel.
- A child or youth is confined under CYFEA or PSECA and disagrees with the confinement.
- A pregnant child or youth with PGO status desires to relinquish her child for adoption. (Consider having a lawyer obtain her consent to adoption).
- The interests or views of the child or youth are not being adequately taken into consideration in an application or appeal and there is significant conflict between the guardians, or between the guardian and the director.
- A child or youth is at a developmental level, and has demonstrated a capacity, to form an opinion that should be independently represented.
- Other adult parties and the director involved in an application have legal representation, and legal counsel would ensure the child or youth's interests are heard.
- A significant change in the child or youth's status is being considered (e.g. an application for PGO) and legal representation may be required to ensure that the child or youth's interests and views are heard.
- The child or youth wishes to apply for an order under PAFVA.

For children under permanent guardianship, LRCY may appoint a lawyer to act on their behalf if they are subject to:

- a guardianship application under FLA,
- a guardianship and/or trustee application under the *Adult Guardianship and Trusteeship Act*, or
- a matter regarding their immigration or citizenship status.

Practice Support No:	**D-3 First Nations Designate Involvement**	Issue Date: October 1, 2011
Policy Reference:	2.1.1 First Nations Designate	Revision Date: October 1, 2011
		Page 1 of 2

Overview

Involvement of the First Nations designate (designate) is necessary when it is believed that a child is Indian and a member of a band and receiving services under CYFEA.

CYFEA requires that the designate be involved in planning for a child who is receiving services (per s.107) and that the designate be involved in decision-making for a child who is being adopted (per s.67(1)).

The organizational structure and cultural protocol of each First Nation is different and consideration must be given to these factors when working with the designate.

Practice Supports

Role of the Designate

The role of the designate may include but is not limited to the following tasks and responsibilities:

- advocating for First Nation children (registered and potential to be registered) and extended family,
- assisting with facilitating and maintaining positive family, community and cultural connections,
- participating in family group conferences,
- assisting the guardian to obtain Registered Indian Status and/or Band Membership for eligible children,
- assisting the guardian to ensure the First Nation child's Treaty rights are protected and adhered to,
- ensuring that children, parents and extended family have a voice in concurrent and permanency planning,

- assisting the guardian to identify placement, extended family and community resources,
- receiving and reviewing confidential information per s.107(3)(4),
- acting as inter-regional or inter-provincial contact/resource,
- representing the Chief and Council's authority conferred by Band Council to advise and make recommendations to CFSAs and DFNAs,
- working within Protocol Agreements between CFSAs and DFNAs and/or First Nations,
- assuming shared responsibility for enhancing partnerships among the First Nation, the CFSA, and the DFNA, in the best interests of the child, and
- advocating for the best interests of the child according to their respective First Nation values and beliefs.

Meaningful Involvement

Engage the designate to ensure meaningful involvement wherein cooperative case planning in the best interests of the child occurs.

Examples of activities that occur through meaningful involvement with the First Nations designate include:

- assisting the child in understanding the make-up of their immediate and extended family,
- facilitating inclusive family group conferencing,
- supporting and enhancing the child's cultural connectedness through nurturing the child's relationship with their family, and fostering connections with the First Nation community,
- demonstrating ongoing commitment to the child,
- developing respectful, positive relationships between the child, the caseworker, the designate and other key resource and support people,
- providing information to the child regarding their Treaty rights,
- creating a multi-disciplinary team including the child, placement support worker, caseworker, designate, placement provider, extended family, Elders, the OCYA, and the Chief and Council,
- collaborative development of long term plans,
- identifying potential placement resources, and
- nurturing a sense of belonging in the child and their inherent right to be a First Nations person.

Appendix D: Practice Supports

Practice Support No:	**D-4 Concurrent Planning**	Issue Date: October 1, 2011
Policy Reference:	4.2.3 Concurrent Plan	Revision Date: October 1, 2011 Page 1 of 2

Overview

Concurrent planning is an essential step in establishing permanency for children and youth. The development of thorough and case-specific concurrent plans requires an inclusive and collaborative planning process with children, families, and various stakeholders.

Practice Supports

Concurrent Plan Development

Utilize the following best practice strategies when developing a concurrent plan:

- Analyze and review the assessment information with the family when determining goals and tasks.
- When age and developmentally appropriate, involve the child in all aspects of the development of the concurrent plan.
- Include extended family members or persons with significant relationship to the child or family.
- Ensure all participants are aware of their role and responsibility as outlined in the tasks as well as the consequences of failing to complete the tasks.
- Access cultural and interpretive services if language or culture is a communication barrier.
- Identify tasks and activities to reflect the placement provider's commitment to maintaining the child's cultural ties.
- Ensure all parties are aware of why Part A and Part B are completed in a concurrent plan, and the simultaneous implementation of the two parts of the concurrent plan.
    - Focus on the importance of establishing permanency for the child.

Successful Concurrent Plan Management

Ongoing collaboration with the family, community stakeholders, service providers, and when age and developmentally appropriate the child, is an important part of implementing a successful concurrent plan. Utilize the following strategies for the successful implementation and management of the concurrent plan:

- Regularly inform **all** parties of the case progress.
- Facilitate team-oriented decision making.
- Ensure the relationship between the child and the guardian is nurtured by facilitating regular visitation, as long as it is safe for the child.
- Complete and document diligent searches for suitable placements with relatives and in the community.
- Facilitate early and intensive service provision to guardians.

Practice Support No:	**D-5 HIV/AIDS and Hepatitis C Infection**	Issue Date: October 1, 2011
Policy Reference:	5.3.6 Treatment Orders 7.1.4 Infectious and Communicable Diseases	Revision Date: October 1, 2011
		Page 1 of 4

Overview

Children with HIV/AIDS or Hepatitis C who are in the care of the director, must be provided with intervention services in a manner supportive to their health, confidentiality, and safety.

Practice Supports

Testing

If a child displays symptoms or has risk factors of HIV/AIDS or Hepatitis C infection:

- discuss the need for testing with the child (if appropriate), the guardian or placement provider, and/or
- arrange for the child, guardian, or placement provider to discuss testing with a physician or the Sexually Transmitted Disease Clinics in Edmonton and Calgary.

Consent for Testing

Always attempt to obtain consent from the guardian when arranging testing for HIV/AIDS or Hepatitis C. **Under certain legal authorities, the director cannot provide consent for testing.**

- If the guardian does not consent to the testing, then the testing cannot be administered if the child is:
  - the subject of a **CAG,**
  - the subject of an **interim CO,**
  - the subject of an **application for TGO or PGO,** or
  - the subject of a **TGO**.

- If a guardian cannot be located to provide consent:
  - The testing cannot be administered if a child is the subject of an **interim CO** or an **application for TGO or PGO.**
  - The director may consent to the testing if a child is the subject of a **TGO**.
- If the child is the subject of a PGA or PGO, the director may provide consent for testing.
- If the child is the subject of a CAY or EAY, consult with the youth and assist in arranging the testing.
  - If the youth has questions regarding HIV/AIDS or Hepatitis C testing, ensure they receive current and accurate information.

If testing is deemed necessary by a physician and the guardian refuses to provide mandatory consent, consider obtaining a treatment order.

NOTE: The child may obtain testing alone if the physician believes the child can provide informed consent.

Providing Support Through Testing

Support to the child may involve:

- accompanying the child to the test and to receive the results,
- requesting the involvement of the guardian if appropriate, and
- requesting the physician to provide pre and post test counselling or access counselling from a specialized agency.

Case Planning Team

Construct a multi-disciplinary team to case plan for a child infected with HIV/AIDS or Hepatitis C. The team is led by the caseworker and includes, as appropriate:

- the child (age and developmental level permitting),
- the parent/guardian,
- the physician,
- the placement provider, and
- any other person relevant to the child's situation.

Releasing Information

For information regarding releasing of information, please refer to the infectious and communicable diseases policy.

Day Care and Educational Services

Children in the care of the director who have HIV/AIDS or Hepatitis C must have all of their educational and developmental needs met. Safe management of the child's health and the health of others must be considered when making choices regarding educational and day care services.

HIV/AIDS or Hepatitis C does not prevent a child from attending a day care, family day home, or school. When making decisions about enrolling a child who has HIV/AIDS or Hepatitis C in school or day care, consider:

- the hygiene practices of the day care or school,
- the child's health and risk of acquiring illness from other children due to a suppressed immune system,
- the child's ability to participate in regular daily activities without placing others at risk,
- behavioural issues such as biting/scratching by either the child with HIV/AIDS or Hepatitis C or another child, and
- the child's ability to control bowel functions or the presence of open oozing sores.

If a school refuses or expels a student with HIV/AIDS, follow the conflict resolution procedure in the *School Act*.

Placement Planning

When planning for the placement of a child with HIV/AIDS or Hepatitis C, consider:

- the child's behaviour and specific health care needs,
- whether the child poses risk to others, and
- the placement provider's ability to provide optimal physical and medical care and emotional support while minimizing social isolation.

Ensure that the caregiver is aware of everyday steps and universal precautions to protect their health and the health of all the children in their care.

- Prior to providing any identifying information to a prospective placement provider, inform the placement provider about the child's infection. Once a prospective placement provider is chosen, explain to the placement provider with the physician:
  - the nature of the infection,
  - how regular medical care and hospital care will be coordinated,
  - how to prevent transmission of the infection,

  - symptoms that require immediate medical attention,
  - the effect on the placement provider's routine and child care,
  - the prognosis for the child, and
  - the supports that will be provided.

Consider providing the following extra supports to a placement provider caring for a child with HIV/AIDS or Hepatitis C:

- information on minimizing risks to the child and others,
- information on community resources,
- referral to any needed education or training on HIV/AIDS, and
- counselling to deal with stress, isolation and grief.

Consult with the supervisor regarding providing the following extra supports:

- extra respite care, and
- financial support for the extra care required for the child.

Additional Considerations

- Protect the child from exposure to other infections. Ask the physician for advice regarding precautions and any special procedures.
- Do not consent to immunizations without consulting the child's physician.
- Provide any needed counselling and social support services. Ensure that any grief and dying issues experienced by the child, guardian and placement provider are addressed at all stages of the disease.

Appendix D: Practice Supports

Practice Support No:	**D-6 Planning Considerations for Youth with Disabilities**	Issue Date: October 1, 2011
Policy Reference:	4.2.7 Transition Planning for Youth with Disabilities	Revision Date: October 1, 2011
		Page 1 of 2

Overview

Transition planning for youth with disabilities must reflect the individuality of the youth by specifically addressing their needs and capabilities. Transition planning must promote and be consistent with independence objectives, regardless of whether a youth will require specialized supports as an adult.

Practice Supports

Key Considerations for Planning

Consider the following key area when developing transition plans for a youth with disabilities:

- the youth's decision making skills,
- the youth's financial management abilities,
- the youth's personal care habits,
- the youth's employability and training,
- the youth's level of education,
- the youth's access to transportation,
- the youth's relationships, and
- housing options.

Recognizing Impairments in Daily Functioning

Consider whether the youth suffers from significant impairments in daily functioning. This will assist in determining if the youth will require specialized supports as an adult and in identifying the specialized supports and connecting the youth to those supports as appropriate.

Significant impairments in daily functioning may be caused by or have effect on one or more of the following areas:

- physical health,
- cognition,
- communication,
- sensory processing,
- social integration, and/or
- emotional / behavioural skills.

Appendix D: Practice Supports

Practice Support No:	**D-7 Recognizing and Assessing Concerning Behaviours**	Issue Date: October 1, 2011
Policy Reference:	7.3.3 Casework Responsibilities During Placement 9.1.2 Medication and Therapy Requiring Consent	Revision Date: October 1, 2011 Page 1 of 2

Overview

If concerning behaviour is observed from a child in the director's custody, consider whether the behaviour warrants further assessment.

Practice Support

A child in the care of the director may present with concerning behaviours which may include but are not limited to:

- Enuresis
- Encopresis
- Trichotillomania (compulsive hair pulling)
- Hoarding
- Excessive biting (self and others)
- Head banging
- Fire setting
- Cruelty to animals

If a child displays behaviour of concern:

- Consider whether the intensity and duration of the behaviours are common for a child in the situation. For example, enuresis is common for a young child in a new placement.
- Consider the circumstances when the behaviour is present (environment, antecedent to the behaviour, etc.).
- Consult with the supervisor, placement provider, and if appropriate, the guardian about the concerning behaviour.
- Arrange for assessment by a physician if determined that the behaviours or symptoms are uncommon.
- Consult with a physician or psychologist regarding appropriate treatment.

- Obtain appropriate consents prior to proceeding with recommended or prescribed treatment.

Appendix D: Practice Supports

Practice Support No:	**D-8 Youth Competency**	Issue Date: October 1, 2011
Policy Reference:	5.2.2 Enhancement Agreement with Youth 5.2.4 Custody Agreement with Youth 5.2.6 Support and Financial Assistance Agreement	Revision Date: October 1, 2011 Page 1 of 3

Overview

Numerous factors must be considered when assessing the competency of a youth or young adult to understand, enter into, and meet the terms of an EAY, CAY, or SFA.

Practice Supports

Assessing Competency

Assessing competency involves a critical analysis of the youth or young adult's understanding of the decision to enter an agreement, and their ability to succeed in the terms of the agreement.

Youth or Young Adult's Understanding of the Decision to Enter into an Agreement

Full disclosure regarding the terms of an agreement and clear communication to the youth or young adult are essential to ensure comprehensive understanding of the decision. Recognize potential barriers to understanding, and make appropriate accommodations where possible, regarding:

- the cognitive development of the youth or young adult,
- the cultural or language barriers of the youth or young adult,
- the literacy level of the youth or young adult,
- the age of the youth or young adult,
- the youth or young adult's ability to receive, understand and communicate information,
- the youth or young adult's ability to reason and deliberate about choices,
- the youth or young adult's ability to understand the consequences of the decision,
- the youth or young adult's ability to understand CYFEA and its relevancy to the agreement,

- the youth or young adult's ability to communicate his or her choices effectively, and
- the youth or young adult's ability to articulate the voluntary nature of their decision to enter into the agreement.

Youth or Young Adult's Ability to Meet the Terms of the Agreement

To assess the youth or young adult's ability to meet the negotiated terms of the agreement examine the following factors:

- the resources available to the youth or young adult to comply with the terms of the agreement,
- the youth or young adult's functional ability to comply with the terms of the agreement,
- the youth or young adult's willingness to comply with the terms of the agreement,
- the youth or young adult's demonstrated ability to make decisions (e.g. not fluctuating unreasonably in decision making), and
- the youth or young adult's demonstrated competency in other areas of their life (e.g. school, employment).

Resources to Utilize When Determining Competency

When determining the competency of a youth or young adult:

- read any previous assessments and paper and electronic file information,
- consult with previous caseworkers where possible,
- consult with significant adults who have information to share about the youth's life circumstances where possible, and
- consult with the OCYA, if appropriate.

Potential impairments to Youth's competency

Consider the following issues as potential impairments to a youth or young adult's competency:

- brain injury,
- mental health diagnosis,
- Fetal Alcohol Spectrum Disorder (FASD),
- developmental disability,
- significant physical illness or injury,
- addiction,

- volatile emotional state,
- history of abuse or neglect,
- fear of Human Services,
- fear of causing guardians or significant others emotional distress, and
- undue pressure or direction from outside parties.

Practice Support No:	**D-9 Inter-Regional/DFNA Dispute Resolution**	Issue Date: October 1, 2011
Policy Reference:	10.5 Inter-Regional/DFNA	Revision Date: May 1, 2014 Page 1 of 2

Overview

When differences of opinion impact services to children and families utilize all available avenues to resolve the issue in a manner which keeps the best interests of the child in the forefront.

Dispute resolution should occur as co-operatively, timely, respectfully, fairly and efficiently as possible.

Practice Support

Formal Dispute Resolution Process

If a dispute cannot be resolved after using all other available options, the use of the formal dispute resolution process may be required. CFSAs and DFNAs will access appropriate options along the dispute resolution continuum to resolve issues and differing opinions based on established relationships and protocols.

Identified issues or differing opinions will be addressed through the following progressive steps (upon resolution at any stage, there is no need to proceed further through the continuum):

- Involved caseworkers will inform their immediate casework supervisor of the issue.
- Casework supervisors will contact their counterpart(s) within the involved CFSAs and/or DFNAs to try and resolve the issue.
- Managers from the respective CFSAs and/or DFNAs will strive to resolve the issue.
- Child and Family Services Regional Directors and DFNA Directors from the involved CFSAs and/or DFNAs will attempt to resolve the issue.
- Any of the individuals cited above may contact the Child Intervention Branch or statutory Director to assist in issue resolution.

- With mutual agreement, outside expertise may be invited to provide input.
- If the steps outlined above have been exhausted without resolution of the issue, the matter will be referred to the Deputy Minister of Human Services for resolution, as the final level of authority.

Practice Support No: **D-10 Conflict of Interest**	Issue Date: October 1, 2011
Policy Reference:	Revision Date: May 1, 2014
	Page 1 of 2

Overview

The people of Alberta have a right to a public service that conducts business with impartiality and integrity. It is this special obligation to Albertans that demands that there not be, nor seem to be, any conflict between the private interests of employees and their duty to the public.

Practice Support

Conflict of Interest

A conflict of interest is a situation in which someone in a position of trust, such as a caseworker, casework supervisor, manager, or Child and Family Services Regional Director/DFNA Director has competing professional or personal interests.

Competing interests can make it difficult for an individual to fulfill his or her duties impartially. Even if there is no evidence of improper actions, a perceived or identified conflict of interest can create an appearance of impropriety that may undermine confidence in the ability of that individual to discharge his or her duties ethically.

Professional Relationship

Consult with a casework supervisor or manager **immediately** if an assigned file presents a conflict of interest. Do not engage in a professional relationship with a client if there is a present or previous relationship that is:

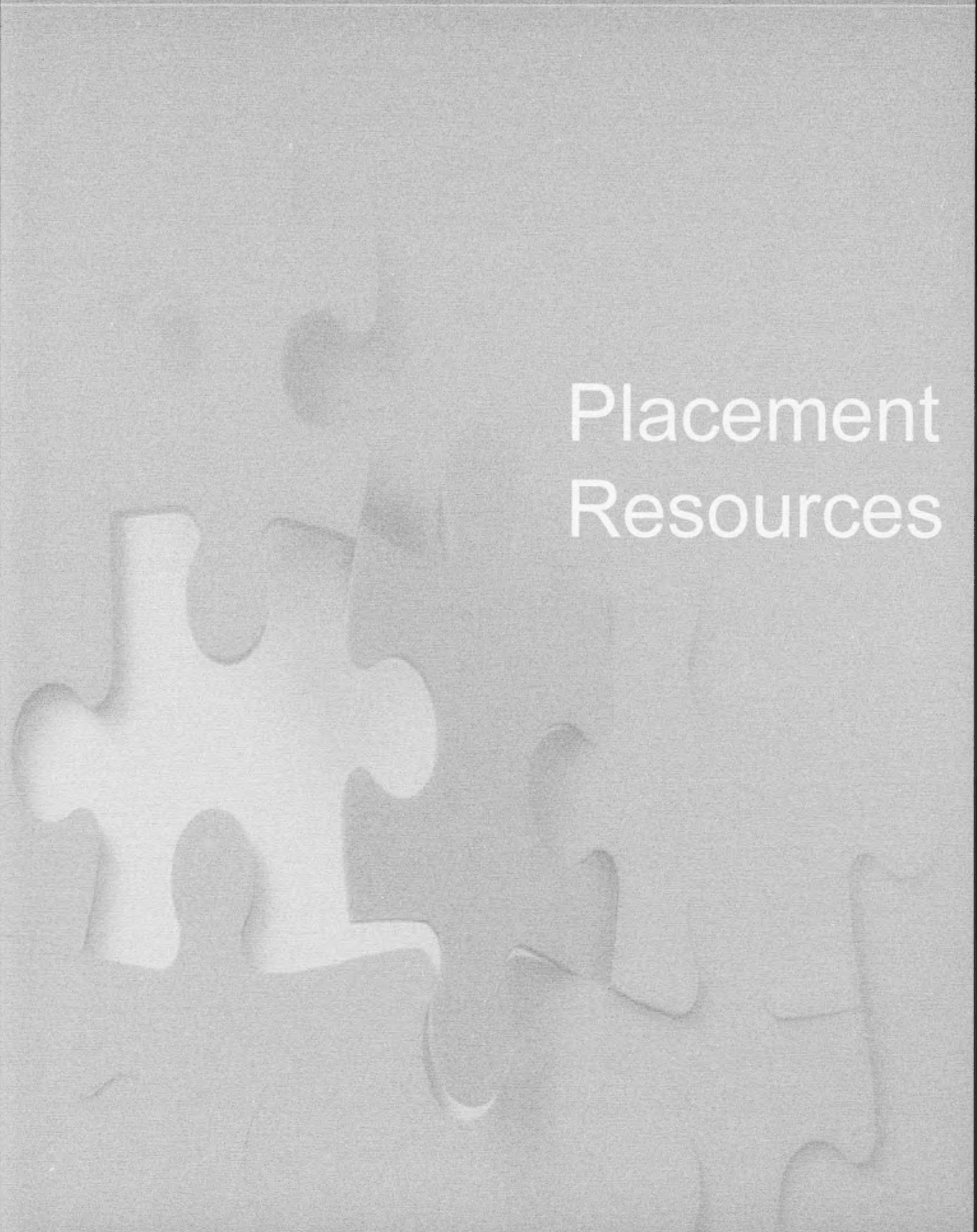
- familial,
- social,
- sexual,
- emotional,
- financial,

- supervisory,
- administrative, or
- legal.

Internal Conflicts

If an internal issue arises, caseworkers are required to discuss any situations where a conflict may be deduced from appearances or where there is a reasonable likelihood that a conflict may or does exist with their casework supervisors and/or managers.

If an external issue is arises, the matter should be discussed at the supervisory level and then elevated to the Child and Family Services Regional Director/DFNA Director level if it cannot be resolved. If required, it may go on to a more formal level of dispute resolution.



Placement Resources

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Chapter 1: Placement Resources General Information

Section: **1.0 Placement Resources Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Overview

The Placement Resources part of the Enhancement Policy Manual addresses placements for children in the custody or under the guardianship of a director or an authority responsible for the administration of child protection legislation in another province of territory of Canada.

The policies and procedures to screen, approve, support and monitor placements under the *Child, Youth and Family Enhancement Act* (CYFEA) and the Residential Facilities Licensing Regulation (RFLR) are contained in this part of the Manual.

The Placement Resources section of the Manual consists of the following chapters:

1. Placement Resources General Information
2. Kinship Care
3. Foster Care
4. Child and Youth Facilities
5. Licensing
6. Assessment of Care Concerns Involving a Placement Provider

NOTE: Policies that are common across all placement types are included in Placement Resources General Information.

Provincial and Regional Policies

The Manual is provincial policy to provide direction and procedures for most common situations. If a situation arises that is not addressed in the manual, discuss the circumstance with your supervisor or manager and determine a plan of action that is consistent with CYFEA and the procedures in this manual.

Regional Policy

Each CFSA and DFNA may choose to develop additional policy and procedural expectations to provide further direction to their staff to meet the regional/DFNA operational requirements providing these policy and procedural expectations are consistent with the CYFEA and provincial policy.

Directives

Provincial directives issued by the statutory Director provide interim practice direction to staff in CFSAs and DFNAs until such time as a policy can be drafted and approved for inclusion in the Placement Resources Policy Manual.

Terminology

Throughout the Placement Resources Policy Manual, terminology may appear differently than in the previous policy manual.

A list of commonly used terms, acronyms, and legislative references found throughout the Placement Resources, Intervention, and Adoptions parts of the Enhancement Policy Manual can be found in the Introduction to the Enhancement Policy Manual.

Related Information

Introduction to the Enhancement Policy Manual

To report a broken link click here.

Chapter 1: Placement Resources General Information

Section: **1.1 Intervention Record Check**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
	Page 1 of 4

Policy

An IRC is required for any of the following:

- an applicant for a foster home licence or renewal of a foster home licence,
- an individual applicant for a child and youth facility licence or renewal of a child and youth facility licence,
- an applicant to be a kinship care provider, or
- any other adult residing with someone who is applying to provide care to children in the custody, or under the guardianship, of a director.

Completion of an IRC may be required by a contracted agency's accreditation standards for any person directly providing services to children in the custody, or under the guardianship, of a director.

Purpose

Intervention record checks are completed for the purpose of determining if that person has caused a child, of whom they are the guardian, to be in need of intervention.

Procedures

Obtain a signed Intervention Record Check [CS2687] from each applicant, and any other adult residing with the applicant.

NOTE: This provides written consent, authorizing the director to obtain information from any jurisdiction in which that person has resided in the five years preceding the date of the application to determine if they have caused a child, of whom they are the guardian, to be in need of intervention.

Completing an Intervention Record Check

Accept an intervention record check form only from the person who is the subject of the information.

- The director must be satisfied that the person making the request is the person named on the form.
- View photo identification or attach a copy of photo identification.

Upon receiving a request for an intervention record check, determine whether there is documentation of the person in the electronic information system.

- If there is **no documentation** of the person in the electronic information system:
  - check the appropriate box in the 'Results of Record Check' section of the form,
  - place a copy with the application, and
  - return the form to the person.

NOTE: If the person has no documentation in the electronic information system, the above functions can be completed by an administrative support staff.

- If **documentation exists** on the person in the electronic information system, a delegated worker must review the information.
  - Check whether a historical paper file exists that is not summarized on the electronic information system. If a historical file exists, review the file.
  - If the involvement is summarized on the electronic information system, review the information, including the screening, investigation and closing summaries.
  - If the case is open, also review the current activity.
  - Review all information, and establish whether the person has caused a child, of whom they are the guardian, to be in need of intervention.

NOTE: Documentation in the electronic information system may indicate that the person was deemed not suitable to care for children in the care or under the guardianship of the director. However, if the person has not caused a child, of whom they are the guardian, to be in need of intervention, it would not be recorded as an outcome of the IRC.

  - Check the appropriate box in the 'Results of Record Check' section of the form.

- Provide a short summary of the person's involvement, including the reasons for involvement, dates of involvement, and outcomes of involvement in the 'Summary of Involvement' section of the form.
- Do not include any information that could identify any person other than the requester.
- Return the form to the requester.
- Record on the facility file what information was provided, when it was disclosed, and to whom.

Where an applicant, or any other adult residing with the applicant, has **not lived in Alberta** for the past five years:

- submit the consent to the jurisdiction where the person did live with a request to provide the results of a prior involvement check in that jurisdiction or,
- if the person has lived outside of Canada during the past five years, contact International Social Service Canada (ISSC) for assistance.

Resolving a Dispute over the Content of an Intervention Record Check

Informal Dispute Resolution

If the person is dissatisfied with the intervention record check or summary, provide the person with the opportunity to access the region's informal dispute resolution process. This may involve discussions with the caseworker, supervisor, manager or Child and Family Services Regional Director/DFNA Director to resolve the dispute. Refer to 1.4.0 Administrative Reviews and Appeals Overview (Enhancement Policy Manual – Intervention).

Correction of a Record

If a person believes there is an error in their information as a result of an error in their intervention record, advise the person that they can request to correct their record. Consult with the casework supervisor and refer 1.1.0 Records Overview (Enhancement Policy Manual – Intervention).

Recording

Record on Contact Notes [CS0072] or the electronic information system when an intervention record check has been completed for a person and any consultations that occurred.

Related Information

2. Kinship Care
3. Foster Care
5. Licensing
6. Assessment of Care Concerns Involving a Placement Provider

1.1.0 Records Overview (Enhancement Policy Manual – Intervention)

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Freedom of Information and Protection of Privacy Act

Contact Notes [CS0072]

Intervention Record Check [CS2687] – paper form

International Social Service Canada-Referral Form

International Social Service Canada-Services Form

International Social Service Canada

To report a broken link click here.

Section: **1.2 Criminal Record Check**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
	Page 1 of 4

Policy

The results of a CRC [CS1800], including a vulnerable sector search, are required to be provided by any of the following:

- an applicant for a foster home licence and any other adult residing with them,
- an individual applicant for a child and youth facility licence,
- partners as applicants for a child and youth facility licence,
- the chief executive officer if a corporation is the applicant for a child and youth facility licence, and
- an applicant to be a kinship care provider and any other adult residing with them.

The results of a CRC, including a vulnerable sector search must be provided every three years thereafter.

Purpose

The results of a criminal record check including a vulnerable sector search ensures that no person applying to provide care to a child in the custody or under the guardianship of a director or person residing with someone who is applying for a foster home licence or to be a kinship care provider has an existing criminal record that would affect the safety and/or well-being of a child being placed.

Procedures

Criminal Record Check including a Vulnerable Sector Search

- Advise any of the above applicants and if applicable, all other adults residing with them, of the regional process for obtaining a criminal record check including a vulnerable sector search.

- Request that the results of the criminal record check including a vulnerable sector search are returned to the licensing officer, foster care worker, kinship care worker or contract specialist per regional process.
- Advise each applicant that failure to provide a criminal record check including a vulnerable sector search for themselves and, if applicable, any adult residing with them will impact their application status.

Results of the Criminal Record Check including a Vulnerable Sector Search

No Criminal Record Exists

- Document confirmation that no criminal record exits in the electronic system and on the file.
- Return the criminal record check to the person who was subject to the check.
- Proceed with the application approval process.

Criminal Record Exists

If the applicant or an adult residing with the applicant has been convicted of an offence of a violent or sexual nature against a child or adult (including internet luring, child pornography, sexual assault or homicide), deny the application.

NOTE: Even if a pardon has been granted for an offence of this type, the Vulnerable Sector Search portion of the Criminal Record Check will result in the disclosure of this information. A Vulnerable Sector Search is conducted for all individuals in a position of trust that will be working or volunteering with vulnerable people (e.g. individuals who are at greater risk of being harmed than the general population, because of age, disability, handicap or circumstances, whether temporary or permanent).

Evaluating the Information Where a Criminal Record Exists

- Evaluate all instances where there is a criminal record, except where the individual named on the criminal record has been convicted of a violent or sexual offence against a child, or adult.
- Do not rely on a self report of the individual named on the criminal record check when evaluating their criminal record, but request that they provide the detailed circumstances of the offence(s) from the police, which should include:
  - written description of the offence(s),
  - details of the initial charges, any subsequent charges, and any plea bargaining, and
  - any resulting convictions and sentence.

- The appropriate manager or DFNA Director **must** be consulted for continued evaluation when an applicant or if applicable, any adult residing with an applicant has a criminal record. The manager will make the final decision and document it on Contact Notes [CS0072] and/or in the electronic information system.
- The evaluation of a criminal record should consider:
  - the nature of the offence(s) and relevance to the care of children
  - when the offence(s) occurred, the number of offences, and the amount of time between offences and recurrences
  - what steps the have been taken toward rehabilitation
  - the age of the victim and the relationship of the victim to the individual named on the criminal record check
  - the age of the individual named of the criminal record check at the time of the offence(s)
  - whether or not a pardon has been issued to the individual named on the criminal record check for any offence(s) revealed by the "vulnerable sector search" part of the criminal record check
  - any social circumstances that may have contributed to the commission of the offence(s)
  - the appropriateness of continuing with the application process
- Direct any legal interpretation questions to legal counsel , not to the police.
- Document confirmation that no criminal record exits in the electronic system and on the file.
- Return the criminal record check to the person who was subject to the check.

Criminal Record Checks for Children Living with a Placement Provider

- The director cannot request a criminal record check on a person under the age of 18 years living in the home. However, during the home study process for an applicant for a foster home licence or an applicant to be a kinship care provider, the director may enquire whether children aged 12 to 17 have had any involvement with the Youth Criminal Justice System.
- If a child living in the home of an applicant for a foster home licence or an applicant to be kinship care provider has a criminal history, proceed with the application only if the healthy development of the children potentially being placed with an applicant would not be placed at risk.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

2.1 Kinship Care Approval Process

3.1 Foster Home Approval Process

5. Licensing

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Criminal Record Check [CS1800]

International Social Service Canada-Referral Form

International Social Service Canada-Services Form

International Social Service Canada

To report a broken link click here.

Section:	**1.3 Home Study Report**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 15, 2014
		Page 1 of 4

Policy

A home study report is a regulated requirement that is completed on all applicants applying for a foster home license per s.4 (a) of the Residential Facilities Licensing Regulation (RFLR).

A home study report is also a requirement that is completed on all kinship care applicants either prior to or within 60 days of placing a child with a kinship care provider.

A home study practitioner, a qualified professional such as a Registered Social Worker (RSW) or a person with relevant education and experience, completes the home study report.

Purpose

A home study is a culturally appropriate, comprehensive evaluation of family functioning and suitability to care for a child in the custody or under the guardianship of a director, and is based on the child intervention framework principles of Aboriginal Experience, Preserve Family, Strengths-Based, Connection, Collaboration, and Continuous Improvement.

A home study reflects the caregiver's ability to support and preserve the child's relationships with family, extended family and community. It also reflects the caregiver's ability to support connections to the child's culture, traditions, religious practices or spiritual beliefs.

The home study practitioner must have a supervisor who provides:

- strength-based supervision throughout the home study process,
- confirmation that issues identified have been addressed, and
- confirmation of the practitioner's recommendation.

The home study practitioner collects, analyses and evaluates demographic, relational and financial information to determine how family dynamics, applicant history and the physical environment will impact the safety and well-being of a child placed in the home. Home studies provide information about a family to assist with matching and compatibility.

A kinship home study incorporates information about a specific child or children known to the caregiver. The intent is to preserve the family unit and family connections for the child. The home study process sensitively engages the family, using a strengths-based approach, resulting in a comprehensive home study report that accurately portrays family strengths and limitations as they pertain to parenting.

The kinship home study outlines parenting strengths and areas of challenge (e.g. complexities that may be associated with being a kinship care provider). The challenges are discussed with the family and their natural support system to mitigate any concerns noted in the assessment. Appropriate supports are provided for the family to safely care for the child.

Kinship homes need to be assessed using a critical thinking and strength based practice approach. Issues such as family history and poverty are often complicating factors and should not be considered as barriers to placement unless risks are such that they cannot be mitigated through the Kinship Care Support Plan, formal or informal supports.

Procedures

A home study is completed by utilizing the Structured Analysis Family Evaluation (SAFE) model or the Home Assessment Report (HAR).

Completion of the Home Study Report

Home studies take place in the applicants' home through several face to face interviews with the family and **must** include:

- joint interviews with the applicants where applicable,
- individual interviews with the applicant, or applicants if more than one,
- interviews with others, if others reside or are frequently in the home, including children and other adults,
- interviews with references by telephone (or in person as necessary), and
- any other collateral contacts deemed necessary with the applicants' consent, including involved professionals and community members for information on community norms and knowledge such as First Nation Designates and Elders or representatives from other cultural groups.

Once the gathering and interview process is completed:

- the home study practitioner prepares a report and ensures that all areas of concern are thoroughly addressed,
- the applicant(s) reviews the report for accuracy and signs the report, if in agreement that the information is accurate,
- the home study practitioner makes a recommendation to approve or not to approve the applicant(s),
- the home study practitioner's supervisor confirms supervision of the practitioner during the home study process and confirms agreement with the practitioner's recommendation, and the applicant(s) are informed that the director may accept or not accept the home study practitioner's recommendation.

Recommendation Regarding the Home Study Report

The recommendation to approve or not to approve the home study report is made by the home study practitioner. The home study practitioner may be an employee of Human Services or a contracted third party. The director does not dictate the recommendation of the home study practitioner, but may request more information from the home study practitioner.

NOTE: The director has the discretion to accept or not accept the recommendation of a home study practitioner.

Accept Recommendation to Approve

If the director accepts the recommendation to approve the home study report:

- provide the applicant(s) with a copy of the home study report,
- document on Contact Notes [CS0072] or in the electronic record that the report has been reviewed by the director, that the recommendation has been accepted and the date the home study report was provided to the applicant, however do not enter the home study report into the electronic system.

Accept Recommendation to Not Approve

If the home study practitioner does not recommend approval and the director accepts the recommendation, send the applicant(s) a letter informing them of the decision.

Give the applicant(s) a copy of the report, and record on file the date the report was provided.

Does Not Accept Recommendation to Approve

If the director does not accept the home study practitioner's recommendation to approve the home study report, send the applicant(s) a letter informing them of the decision and rationale for not accepting the recommendation.

- Give the applicant(s) a copy of the report.
- Document the information on file.

Recording

Record all contacts, consultations, decisions and rationale for decisions, on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

2.1 Kinship Care Approval Process
3.1 Foster Home Approval Process
5.1.1 Initial Foster Home Licence

Contact Notes [CS0072]
Home Assessment – Detailed Report [CS2637a]
Home Assessment – Family Questionnaire [CS2637]
Home Assessment Guide [CS2637C]

Child Intervention Practice Framework: Practice Strategies
The Structured Analysis Family Evaluation (SAFE) Home Study

To report a broken link click here.

Chapter 1: Placement Resources General Information

Section: **1.4 Inter-Regional/DFNA**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 6

Policy

When placement providers move within the province, CFSAs and DFNAs have a shared responsibility to ensure the timely and effective flow of information, services, funds and documentation.

Purpose

The procedures set out in this policy are intended to:

- define inter-regional relationships,
- complement any established local protocols negotiated between CFSAs and DFNAs and the Intervention Policy Manual, and
- enable the sharing of resources and facilities.

Procedures

Definitions

Inter-regional	**designates interactions between CFSAs and DFNAs, CFSAs and CFSAs, and DFNAs and DFNAs**
Region	refers to any CFSA or DFNA
Receiving Region	the CFSA or DFNA that has been asked to provide or is providing services at the request of a sending CFSA or DFNA
Sending Region	the CFSA or DFNA that requests services from a receiving region
Residency	the CFSA region or DFNA reserve where a person ordinarily resides
Change of Residency	a person changes residency when they leave one region and establish residency in another

Non-Resident Authority	the CFSA or DFNA that uses services in another region's geographic area
Days	calendar days, unless otherwise noted

Supports to the CFSAs and DFNAs

Inter-Regional Contact

Each CFSA and DFNA must designate an inter-regional contact, who will act as the key regional contact person regarding inter-regional matters. Contact information for inter-regional contacts should be kept current on WorkLinks.

Provincial Coordinator

The Ministry designate is the provincial coordinator for inter-regional matters. Inter-regional contacts may submit information on issues arising with any of the processes outlined in this policy.

Transfer of Placement Resources

Kinship Care Providers

Children in the custody or under the guardianship of a director often have connections to family members and significant others who reside in different regions.

If placement is being explored and extended family or significant others are identified in another region:

- The sending region shall contact the inter-regional contact in the receiving region to request that a preliminary conversation occur with the prospective caregiver to determine the feasibility of a placement.
- If indications are positive for the potential placement, the receiving region will follow the approval procedures outlined in chapter 2.0 Kinship Care.
- The sending region must seek approval from the receiving manager or casework supervisor prior to placement with a kinship care provider.

Placement Prior to Approval

Manager approval is required to place a child with a potential kinship care provider. In these exceptional cases:

- see 2.1.3 Immediate Placement with a Prospective Kinship Care Provider,
- the sending region maintains the file and financial responsibility for the home until the preliminary approvals have taken place and the file has been transferred,

- the manager of the receiving office must be advised when the child is placed, and
- the receiving region will complete the remaining approval requirements within 60 days of the child's placement.

Transfer of Foster Care and Kinship Care Provider Files

When a foster care or kinship care provider moves to another region, the sending region will forward the entire foster care or kinship care file to the receiving region within 30 days of the move, if the provider plans to continue to be a placement provider in the receiving region.

Foster Care or Kinship Care Provider Moves with a Child in Care

When planning for a child to move with a foster care or kinship care provider, the sending region shall:

- notify the receiving region in writing at least 30 days prior to the move,
- provide the foster or kinship care provider with general information on the available services, and
- meet the foster care and kinship care file requirements prior to the transfer of the file.

Inter-Regional Use and Management of Residential Facilities

Licensing Residential Facilities (including foster care)

CYFEA requires that all foster homes and child and youth facility providers be licensed. The licensing region is the CFSA or DFNA responsible for licensing foster care providers and/or other facilities within their geographic boundaries. Facilities that operate within a region, but offer services to a different region, are licensed (initial and renewals) by the region where the facility is located.

Contracting

- A contracting region may be a CFSA or DFNA that has contracted with a facility established in another region.
- More than one region may contract with the same facility.
- The contracting regions must provide a letter of support and any supporting documentation for the licensing process for the facility to submit along with their application for a licence.
- Contracting regions have an obligation to assist the licensing region in monitoring the facility by sharing information with the licensing region about the facility's contract and standard compliance, especially if there are issues regarding the care of children.

- Frequent and open communication must occur between the licensing region and the contracting region.
- Contracts include, but are not limited to:
  - standing offer agreements,
  - fee for service agreements, and
  - block funding agreements.
- Prior to contracting with an agency or facility located within the boundaries of another region, the contracting region must consult with the licensing region.
- Financial and contract monitoring obligations remain the responsibility of the contracting region.
- The contracting region will establish a per diem rate for the facility or service based on costs to operate and the capacity of the services. This is to ensure that the facility is viable and utilized in a cost effective manner.
- Reciprocal agreements will be established to reimburse regions that paid for services but were unable to utilize them due to over-utilization by another region.

Casework Responsibility

Prior to placing a child in a placement in another region, the sending region must consult with the receiving region to determine:

- if the facility is licensed,
- if the receiving region has any concerns about the use of the facility by another region,
- the availability of appropriate community services and resources in the receiving region, and
- the ability of the receiving region to adequately provide supervision.

Notwithstanding negotiated courtesy supervision activities, a child placed in a facility outside of the region where they ordinarily live, continues to be the case management and funding responsibility of the sending region. Services are to be provided in accordance with the service plan approved by the region with the case management responsibility.

Monitoring

In situations where courtesy services, support or supervision are being provided to a child in a facility licensed by a region other than the region where the facility is located, the sending, contracting and receiving/licensing regions will notify each other of:

- information regarding non-compliance to the RFLR, and
- any concerns regarding the safety or level of care being provided to the child that become evident during the course of involvement with the facility.

Concerns Regarding the Safety, Well-Being or Level of Care in a Placement

The licensing/receiving, contracting and sending regions will:

- assess all information provided to them and act upon concerns with due diligence,
- share the results all involved regions/DFNAs, and
- engage in joint planning relating to the facility and the children placed there.

The **region where the placement provider is located** will respond to concerns relating to the safety, well-being or level of care provided to the children in the placement. When a concern is received about a placement provider, to avoid a conflict of interest, the licensing region may request that another region or delegated child intervention staff from another area of their region respond to the concerns. See 6. Assessment of Care Concerns Involving a Placement Provider.

The safety of the child is paramount. If an urgent response is required, the region where the placement is located will take immediate action to ensure the safety of the child and refer the matter to the appropriate worksite to complete the assessment. The region responsible for responding must ensure that the assessment is completed in a timely fashion and appropriate actions are taking in consultation with the contracting and sending region.

Assessment information shall be shared with all involved caseworkers and contract holders. The electronic information system must be updated and documentation placed on both the child's file and the placement's file.

Related Information

2. Kinship Care
3. Foster Care
5. Licensing

6. Assessment of Care Concerns Involving a Placement Provider

5.6 Inter-Regional Conferencing (Enhancement Policy Manual – Adoption)

10.5 Inter-regional/DFNA (Enhancement Policy Manual – Intervention)

Child and Family Services Authorities Act

Drug-endangered Children Act

Family Support for Children with Disabilities Act

Freedom of Information and Protection of Privacy Act

Métis Settlements Act

Protection Against Family Violence Act

Protection for Persons in Care Act

Protection of Sexually Exploited Children Act

Aboriginal Initiatives Branch – First Nation Liaison Units Listing

To report a broken link click here.

Chapter 2: Kinship Care

Section:	**2.0 Kinship Care Program Requirements**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 15, 2014
		Page 1 of 3

Policy

When a child comes into care, kinship placements should be carefully considered and pursued as the first placement option when appropriate.

Kinship families may not be prepared in advance of the placement and may require flexibility in the supports needed to care for the child placed in their home. It is important that kinship care providers are supported immediately and receive the required supports to ensure success of the placement.

Kinship placements provide opportunities to maintain connections and natural relationships when children are unable to live with their parents or guardians.

Note: The decision to place a child into kinship care can be made by a caseworker in consultation with their supervisor. To place a child into a placement other than kinship care requires the approval of the manager or their designate for both initial placement and any subsequent placements.

Purpose

A kinship care provider is an extended family member of a child, or a person who has a significant relationship with the child or is a member of the child's cultural community.

Placing a child with a caregiver who has a connection with a child reduces the trauma of coming into care, provides familiarity during a difficult time, and helps reduce the need for multiple moves for the child and the likelihood of the child coming back into care over time.

Placing a child who is in the custody or under the guardianship of the director with an extended family member or significant person in order to keep the child safe, promotes their well-being; maintains connections to family, community, culture and supports; and is in keeping with the Matters to be Considered in s.2(i) of *CYFEA*.

Procedures

Each CFS and DFNA must develop and maintain a kinship care program that provides all the roles and responsibilities set out in this chapter. The key responsibilities include:

- assign kinship engagement/support workers dedicated to early search and identification of kinship care providers
- provide family search training for kinship engagement/support workers and assessors
- approving kinship care providers
- training and supporting kinship care providers to carry out their duties
- supporting the placement of a child with a kinship care provider
- administering kinship care files
- participating in assessments and supporting the kinship care home when concerns are raised about kinship care providers
- closing kinship care files
- providing kinship care providers access to a dispute resolution process

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

6. Assessment of Care Concerns Involving a Placement Provider

Contact Notes [CS0072]

Child Intervention Practice Framework: Practice Strategies

To report a broken link click here.

Section: **2.1 Kinship Care Approval Process**	Issue Date: October 1, 2011
Subsection: **2.1.1 Kinship Care Eligibility Requirements**	Revision Date: October 15, 2014
	Page 1 of 2

Policy

Kinship care providers must meet eligibility requirements prior to proceeding with the application and approval process.

Purpose

The kinship care eligibility requirements assist in determining whether the prospective kinship care provider has the **capacity** to provide a safe residence, quality care and supervision to all children in the home.

Procedures

Obtain information that confirms the kinship care provider, once identified:

- is at least 18 years of age,
- is willing to have the identified child(ren) placed in their home, and
- understands the responsibilities of a kinship care provider.

Ensure the following procedures are met when determining if the prospective kinship care provider has the potential to provide a safe placement for the identified child(ren) and has met the eligibility criteria:

- determine in consultation with the potential kinship care provider and supervisor if there are concerns regarding criminal or child intervention history and any other complicating factors, such as financial stability, and how these concerns can be mitigated,
- clarify the regional procedures to complete the application,
- give details about the approval process to the prospective kinship care providers,

- complete all requirements to process the kinship care provider's application as per regional procedures, and
- approve the kinship care providers.

Related Information

2.0 Kinship Care Program Requirements

2.1 Kinship Care Approval Process

7.3.3 Casework Responsibilities During Placement (Enhancement Policy Manual – Intervention)

Child Intervention Practice Framework: Practice Strategies

To report a broken link click here.

Section: 2.1 Kinship Care Approval Process	Issue Date: October 1, 2011
Subsection: 2.1.2 Kinship Care Application and Approval Requirements	Revision Date: October 15, 2014
	Page 1 of 6

Policy

Each applicant is responsible for meeting the requirements in order to be approved as a kinship care provider. Applicants may need assistance and guidance from the kinship care worker or caseworker.

Purpose

To provide a kinship care placement that is familiar, safe, nurturing and culturally sensitive for a child.

Procedures

Kinship Care Provider Application and Approval Process

Upon meeting the eligibility requirements of policy 2.1.1, persons interested in becoming a kinship care provider would submit the following to the kinship care worker:

Application to Become a Kinship Care Provider

- Advise the applicant to complete an Application to Become a Kinship Care Provider [CS3600].
- Each adult in the home who will take on the role of a kinship care provider is named as an applicant.
- Persons with whom an applicant is a legal spouse or in an adult interdependent relationship is also named as an applicant, even if that adult will not take on the role of a caregiver.

Intervention Record Check

- Follow the process outlined in 1.1 Intervention Record Check (IRC) for each applicant, and any other adult residing with the applicant. This provides written consent, authorizing the director to obtain information from all jurisdictions the person has resided in during the five years preceding the application to determine if they have caused a child, of whom they are a guardian, to be in need of intervention.

- If documentation exists, evaluate the information as described in 1.1 Intervention Record Check.
- Any findings in an IRC that may have an impact on an applicant's ability to be a kinship care provider must be thoroughly evaluated by the kinship worker and the casework supervisor.

Medical Reference

- Provide a medical reference [CS0046] for each person named as an applicant.
- Advise the applicant that the completed medical reference must be returned prior to proceeding to a home study.
- Review the completed medical reference to determine if the medical practitioner has indicated any health concerns that would have an impact on the applicant's ability to be a kinship provider.

NOTE: The cost for a medical reference is reimbursed upon approval of the home, or if the cost will be a hardship for the kinship caregiver.

Personal References

- Provide each applicant with three reference letters to be completed by the referees, one of which must be a non-relative.
- Review the completed references to verify that:
  - each referee has known the family for at least two years, and two are relatives, and
  - the referees are not aware of any concerns that could affect the applicants' ability to provide kinship care.

Criminal Record Check

- Record the results of a criminal record check [CS1800] and vulnerable sector search for each applicant, and any other adult who resides with the applicant.
- The results must be current within six months of the date of the application.
- If a new criminal record check is completed, the costs are reimbursable upon the approval of the application or in advance if the cost will result in undue hardship for the applicant.

- If fingerprinting is required for the criminal record check, a time extension may be granted with prior approval from the manager of a CFS or director of a DFNA.
- Advise each adult that having a criminal record does not necessarily prevent approval as the nature and circumstances of the offence are considered.
- Assure the applicant and any adult living with the applicant that their privacy will be protected and the information will be managed according to FOIP.
- Advise each applicant and any adult living with the applicant that providing false information or failure to disclose a criminal conviction will impact their application status. Discovery of such action will result in the application being put on hold until the matter is thoroughly reviewed.
- If a criminal record exists, evaluate the record as described in 1.2 Criminal Record Check.
- Deny the application if the applicant(s) or an adult residing with the applicant has been convicted of an offense of a violent nature against a child or adult (including internet luring, child pornography, sexual assault or homicide).

Orientation for Caregiver Training

- Let the applicant(s) know that they will receive valuable information by attending the Kinship Orientation Training or by going through the Kinship Care Guidebook for Caregivers one-on-one with a caseworker

A home study on the applicants can begin at any time during the approval process understanding it will not be complete until all documentation is obtained. Provide the home study practitioner with all relevant information. For Home Study Requirements: (see 1.3 Home Study Report)

Environmental Safety Assessment for Caregivers

- An Environmental Safety Assessment for Caregivers [FC3606] must be completed before or at the time of placement.
- Any items requiring follow-up must be documented and a plan developed to assist the kinship care providers in addressing the outstanding items.
- If the applicant is approved as a kinship care provider, an Environmental Safety Assessment for Caregivers must be completed once per year.

Re-Opening a Kinship Care Provider

When a closed kinship care provider has been identified to care for the same or different children, the following requirements need to be met before the provider can be re-opened:

- a signed Intervention Record Check [CS2687] from each applicant, and any other adult residing with the applicant. If documentation exists, evaluate the information as described in 1.1 Intervention Record Check, 1.2 Criminal Record Check,
- a criminal record check with vulnerable sector search current within three years for every adult who resided in the home at the time of the original approval (if the adult still resides in the home),
- a criminal record check for every new adult who resides in the home within 30 working days of the application to re-open,
- completion of an Environmental Safety Assessment for Caregivers [FC3606], and
- completion of the Caregiver Reassessment [FC2605] to provide an update of any significant changes in the family situation.

Review of a Kinship Care Application/Approval Process

If at any time there is evidence that one or more of the named applicants will not be a suitable kinship care provider for the child, end the application/approval process.

Circumstances that warrant a review of the application/approval process include:

- the child disagrees with the placement plan,
- an applicant refuses to complete any application requirement,
- an applicant demonstrates an unwillingness or inability to collaborate with the child's service team, or
- indications that an applicant or any other adult residing with the applicant has recently been involved in violent behaviour, substance abuse or illegal activities.

Final Approval of the Application

Prior to approving an application to be a kinship care provider, the kinship care worker would take the following actions:

- Review in detail and sign a Kinship Care Agreement [CS3599] with the named applicants.
- Inform the applicant to notify the kinship worker if there are any changes in address or contact information. Review the expectations set out in the Kinship Caregiver Guidebook for Caregivers regarding:
  - reporting critical incidents,
  - child management (see 3.2.5 Child Management), and
  - child safety (see 3.2.6 Child Safety).

Process upon Approving an Application

Upon completion of the conditions to approval, the kinship care worker undertakes the following actions to complete the approval process:

- Provide written notice to the kinship care applicant and the caseworker (if applicable) that the application to become a kinship care provider has been approved,
- Initiate reimbursement of any costs incurred to the applicant for criminal record checks and medical references,
- Complete a Kinship Care Support Plan [FC3899] (see 2.3 Kinship Care Support Plan) with the kinship care provider and make necessary referrals to support the kinship care provider in meeting the needs of the child, and open a kinship care provider file and electronic record for the kinship care provider.

Application Review

Upon review of an application, the kinship care worker will make a recommendation to approve the application.

Factors that justify not approving the application includes:

- false or misleading statements in the application, supporting documentation, significant criminal record or other mitigating factors that cannot be addressed through supports or the Kinship Care Support Plan.
- unwillingness or inability of the applicant to collaborate with the caseworker and/or other professionals involved to accomplish the goals of the case plan.

Process for not approving an application

If a decision is made to deny the application by the manager or designate, he/she must record on the file the factors considered, the persons involved in making the decision, and the reason(s) for denying the application.

The casework supervisor must provide a written response to the applicant that outlines:

- the documentation reviewed,
- the factors considered,
- the reason(s) for denying the application,
- the persons involved in making the decision, and
- information about the dispute resolution and decision review process available to the applicant (see 1.4. Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)).

Related Information

1.1 Intervention Record Check
1.2 Criminal Record Check
1.3 Home Study Report
2.0 Kinship Care Program Requirements
2.3 Kinship Care Support Plan
3.2.5 Child Management
3.2.6 Child Safety
1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Application to Become a Kinship Care Provider [FC3600]
Criminal Record Check [CS1800]
Environmental Safety Assessment for Caregivers [FC3606]
Intervention Record Check [CS2687] – paper form
Kinship Care Agreement [FC3599]
Kinship Care Support Plan [FC3899]
Medical Reference [CS0046]
International Social Service Canada-Referral Form
International Social Service Canada-Services Form

Child Intervention Practice Framework: Practice Strategies
International Social Service Canada
Kinship Care Guidebook for Caregivers

To report a broken link click here.

Chapter 2: Kinship Care

Section:	**2.1 Kinship Care Approval Process**	Issue Date: October 1, 2011
Subsection:	**2.1.3 Immediate Placement with a Prospective Kinship Care Provider**	Revision Date: October 15, 2014
		Page 1 of 5

Policy

Whenever a child comes into care, a safe placement with a kinship care provider is the first placement option for a child. Any extra support the kinship family needs to care for the child must be provided immediately. Caseworkers and supervisors are to work collaboratively with the kinship family in developing a strength based support plan to preserve natural connections and mitigate any risk factors associated with the placement.

> **Note:** The decision to place a child into kinship care can be made by a caseworker in consultation with their supervisor. To place a child into a placement other that kinship care requires the approval of the manager or their designate for both initial placement and any subsequent placements.

Purpose

Immediate placement with a caregiver who has a connection with a child reduces the trauma of coming into care because it, provides familiarity during a difficult time, helps reduce the need for multiple moves for the child, and decreases the likelihood of the child coming back into care over time.

Minimum requirements, as outlined in this policy, are required prior to placing a child.

Procedures

Where an immediate placement is required for a child, the Kinship Engagement/Support worker searches and identifies a possible kinship placement. It is then determined through careful consideration whether the prospective kinship care provider can provide a safe, nurturing placement for the child and is willing and able to complete the requirements, with assistance if necessary, for becoming an approved kinship care home.

When an immediate placement is found, it is important that the kinship care providers be supported and that they receive the required supports immediately to ensure success. Kinship families may not be prepared in advance of the placement and may require flexibility in the supports they need to help them care for the children in their home.

The key to a kinship family's success is ensuring that they have the resources required to manage the unique feelings and challenges that come with providing care for the child, such as dual loyalties, unrealistic expectations, changes in family dynamics and feelings of loss, guilt, and shame, so they can meet the needs of the child.

Consider an immediate placement when:

- extended family, someone from the child's cultural community or significant others have been located and identified as willing and able to care for the child immediately and/or
- placement with extended family or significant others will promote stability for the child, and/or
- it is in the best interest to place a child, in order to reduce trauma, with extended family or significant others in a crisis or an emergency situation during after-hours.

Requirements prior to placing a child

Complete the following activities:

- ensure the potential kinship care provider meets the eligibility requirements 2.1.1 Kinship Care Eligibility Requirements to be a kinship care provider,
- an Intervention Record Check [CS2687] for each adult who resides in the home as described in 1.1 Intervention Record Check,
- a discussion with the prospective kinship care provider regarding any known past criminal history related to themselves or all other adults who reside in the home,
- obtain a signed declaration [FC3901] by the prospective kinship care provider regarding the criminal history of all adults who reside in the home,
- advise the prospective kinship care provider that they need to apply for a criminal record check(cost reimbursable), including a vulnerable sector search **within 10 days** of the child being placed, complete an Environmental Safety Assessment for Caregivers [FC3606], and

- if the child does not agree with the proposed placement, a conversation to explore the child's feelings, in the context of the child's procedural rights, must occur.

Discuss Safety and Child Management

The kinship care worker must review the following with the kinship care provider: 3.2.5 Child Management, 3.2.6 Child Safety, 3.2.7 Environmental Safety and the Safe Babies Caregiver Training.

Safe Sleeping Arrangements

Each child in care must have a separate bed or crib as a permanent sleeping arrangement based on the age and development of the child, which meets Canadian safety standards.

Children under the age of six years cannot sleep on the top bunk of bunk beds.

Inform the kinship care provider that Alberta Health Services Safe Sleep Practices for infants with normal development (0 to 12 months) must be followed including;

- placing baby on back to sleep,
- keeping baby warm, not hot and
- ensuring the baby does not bed-share with anyone due to a number of associated risks, including falls and suffocation **(bed- sharing means a baby is sleeping on the same surface, bed, sofa, couch, etc., with another person)**.
- Cribs must be free of quilts, comforters, bumper pads, stuffed animals, pillows and other pillow-like items.

Kinship care providers caring for a child 36 months and under must be educated in the most current recommendations to reduce the risk of unexplained sudden infant death, including safe sleeping, soothing and self-regulating, by attending Safe Babies caregiver training or by having the information formally reviewed with them by their kinship support worker and documented.

Advise kinship care providers that they are to follow the most current recommendations for safe sleeping unless, after consultation with the designated physician, they have his/her permission to vary the recommendation. Any variations **must** be discussed with the caseworker and documented.

- ○ Provide the Kinship Care Provider with a copy of the Kinship Care Guidebook and advise them that a caseworker or kinship care worker will review it with them.

Consult using Child Intervention Practice Framework: Practice Strategies – Immediate Kinship and review any complicating factors that need to be mitigated with your supervisor and manager.

Requirements following placement of a child

Complete the following activities with the kinship care provider:

- a Kinship Care Agreement [FC3599] between the kinship care worker and the potential kinship care provider **within 72 hours** of the placement which specifies that the placement is conditional upon the completion of the remaining requirements for kinship care approval,
- an Application to Become a Kinship Care Provider [CS3600] **within 72 hours**,
- all other remaining requirements to be approved as a kinship care provider **within 60 working days,**
- advise the kinship care provider that basic maintenance will commence on the first day the child is placed, and
- follow all policy requirements as outlined in 2.2 Supporting Kinship Care Providers.

Related Information

1.1 Intervention Record Check

1.2 Criminal Record Check

1.3 Home Study Report

2.1 Kinship Care Approval Process

2.2 Supporting Kinship Care Providers

2.4 Financial Compensation

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Application to Become a Kinship Care Provider [FC3600]

Environmental Safety Assessment for Caregivers [FC3606]

Intervention Record Check [CS2687] – paper form

Kinship Care Agreement [FC3599]

Kinship Care Application Declaration [FC3901]

International Social Service Canada-Referral Form
International Social Service Canada-Services Form

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Child Intervention Practice Framework: Practice Strategies
International Social Service Canada
Kinship Care Guidebook for Caregivers
Alberta Health Services Safe Sleep Resources

To report a broken link click here.

Section:	2.2 Supporting Kinship Care Providers	Issue Date: October 1, 2011
Subsection:		Revision Date: October 15, 2014
		Page 1 of 8

Policy

Every kinship care provider must have a kinship care worker who is responsible for supporting the kinship care provider.

Purpose

The primary goal is that children are safe and healthy by building on the capacity of extended family and communities while meeting the requirements of CYFEA and kinship care policy. Casework practice is reflective, culturally responsive and strengths-based, and the kinship family receives all needed information and supports to provide quality care to meet the needs of the child placed in the home. Kinship placements allow for the use of natural supports while supporting a child's parents to make necessary changes.

Procedures

Provide Support

Support the kinship care provider by:

- identifying caregiver, family and community strengths, and addressing any complicating factors by developing plans to mitigate any risk as soon as possible,
- confirming that the kinship care providers have the resources they require to manage the unique challenges that come with providing care to a specific child, such as dual loyalties, unrealistic expectations, changes in family dynamics and feelings of loss, guilt and shame. This includes:
  - quickly mobilizing formal and informal support systems to ensure success of the kinship placement,
  - identifying supports, resources and training that would help the kinship care provider provide quality care and meet the child's special needs, and

  - develop a Kinship Care Support Plan and reviewing it regularly with the family team, (see 2.3 Kinship Care Support Plan),
- holding ongoing family meetings to ensure that informal supports are accessed,
- ensuring the kinship care provider is receiving case information to support the case plan,
- providing orientation training by reviewing the Kinship Care Guidebook with the kinship care providers, at minimum, and by encouraging attendance at Kinship Orientation Training, if available, and
- ensuring the kinship care provider is receiving all financial supports for which they are eligible according to the Kinship Care Financial Compensation [FC1263].

The following supports are available to kinship care providers through the Alberta Foster Parent Association (AFPA):

- assistance to individual kinship care providers to resolve disputes with caseworkers or kinship care caseworkers.
- through the Foster Allegation Support Team (FAST), support to kinship care providers and their families when an allegation of abuse or neglect has been made against them.
- through the AFPA's Provincial Mentorship Program, support to new kinship care providers, empowering them to develop personal growth in their skills, confidence, networking and motivation, and to be successful self-advocates.

Support the Provider's Case Plan Responsibilities

Support the kinship care provider to carry out their responsibilities under the child's case plan by:

- engaging the kinship caregiver as a collaborative member of the child's case planning team,
- participating with the child's caseworker in developing the kinship care provider's responsibilities for supporting the child's concurrent plan or transition-to-independence plan,
- supporting the kinship care provider to complete all assigned tasks, and
- providing the kinship care provider with the resources needed to care for the child.

Support the Provider's Medical Care Responsibilities

The child's caseworker may delegate certain responsibilities to the kinship care provider, including responsibility for the child's ordinary and emergency medical care. See 3.2.4 Medical Care.

Communication

The child's caseworker, the kinship care worker and the kinship care provider have a responsibility to communicate regularly about:

- issues pertaining to the child,
- supports and resources needed,
- significant events or changes in the kinship care family, and
- any new adult who takes up residence in the home and obtaining the required documentation on that individual.

Discuss the Use of Child Care Arrangements

If the kinship care provider expresses an intention to access child care, (babysitting, relief care, respite or alternative childcare providers), inform the kinship care provider that:

- child care may be accessed in collaboration with the caseworker, and
- costs of child care may then be negotiated as part of a kinship care support plan.

Note: Child care arrangements, as discussed in Foster Care Policy 3.4, are applicable to kinship caregivers.

Discuss Safety and Child Management

The kinship care worker must review the following with the kinship care provider: 3.2.5 Child Management, 3.2.6 Child Safety, 3.2.7 Environmental Safety and the Safe Babies Caregiver Training.

Safe Sleeping Arrangements

Each child in care must have a separate bed or crib as a permanent sleeping arrangement based on the age and development of the child, which meets Canadian safety standards.

Children under the age of six years cannot sleep on the top bunk of bunk beds.

Inform the kinship care provider that Alberta Health Services Safe Sleep Practices for infants with normal development (0 to 12 months) must be followed including;

- placing baby on back to sleep,
- keeping baby warm, not hot and
- ensuring the baby does not bed-share with anyone due to a number of associated risks, including falls and suffocation **(bed- sharing means a baby is sleeping on the same surface, bed, sofa, couch, etc., with another person)**.
- cribs must be free of quilts, comforters, bumper pads, stuffed animals, pillows and other pillow-like items.

Kinship care providers caring for a child 36 months and under must be educated in the most current recommendations to reduce the risk of unexplained sudden infant death, including safe sleeping, soothing and self-regulating, by attending Safe Babies caregiver training or by having the information formally reviewed with them by their kinship support worker and documented. Provide a copy of the Baby Steps manual (part of the Safe Babies caregiver-training program).

Advise kinship care providers that they are to follow the most current recommendations for safe sleeping unless, after consultation with the designated physician, they have his/her permission to vary the recommendation. Any variations must **be discussed with the caseworker and documented.**

Permanency Planning

If the child's caseworker is considering the kinship care provider as a permanent placement, discuss with the kinship care provider:

- the kinship care provider's understanding of the child's immediate and long-term needs,
- the kinship care provider's interest and ability to make a permanent commitment to the child through adoption or private guardianship,
- the supports the family would need to adopt or obtain private guardianship, and
- the kinship care provider's role in supporting permanency if they choose not to apply for adoption or private guardianship.

Contact with the Kinship Care Provider

Contact with the child and caregiver while a child is placed in a kinship care home:

- **face-to-face** contact must **occur monthly** for the **first three months**. Tailor the amount of contact (additional contact), the nature of the contact and with whom to have contact by considering at least:

  - the number and needs of the children placed,
  - the experience and skills of the kinship care provider,
  - the kinship care provider's responsibilities under the case plan, and
  - the relationships among the various children living in the home,
- after the first three months**, contact** the kinship care provider **at least once a month,**
- visit the kinship care provider **face-to-face** at least o**nce every three months**, and
- document any additional contact in the Kinship Care Support Plan or in the child's case plan.

Review the Placement

The kinship care provider, kinship care worker, and the child's caseworker will review the progress of the child's placement on an ongoing basis, including:

- the kinship care provider's success and challenges in dealing with any problems that arise (behavioural, emotional, relationship),
- the behaviour management strategies,
- the child's adjustment to the home, school, neighbourhood, peers and other community contacts, and
- contact the child has with family members, the caseworker, and service providers.

Review the Child's Case Plan

Review and support the kinship care provider's ability to be involved in the child's case plan, including:

- follow through on all agreed upon actions to support the child's medical needs, treatment, counselling, education etc.
- use of community resources,
- ability to maintain cultural and familiar connections, relationship with the child's family members, caseworker, service providers, and
- on-going training and education

The kinship care provider shall be supported to attend relevant training. The kinship care worker will, if necessary:

- provide and arrange specialized training,

- develop support plans that are tailored to meet the individual and unique needs of the child and family. If the relevant training is not available, provide consultation that will meet the need.
- provide the kinship care provider with a copy of the Baby Steps manual upon placement of an infant in their home.
- make arrangements for the kinship care provider to attend Safe Babies training or have the information from the training reviewed with them if they are caring for an infant.

Note: Encourage kinship care providers to take foster care training and/or any relevant training and inform them that they are entitled to the same compensation for related costs as a foster parent.

Ongoing Support and Review of the Kinship Care Placement

The Kinship Care Annual Evaluation Report [CS3602] shall be completed on an annual basis. The following factors should be considered when completing the evaluation:

- the kinship care provider's input,
- the family's general well-being and response to the experience of being a kinship care provider,
- the family's strengths and challenges,
- the results of new criminal record checks and vulnerable sector searches for each adult in the home whose criminal record check is over three years old,
- any child in the home 12 years or older has been involved in the criminal justice system and, if so, what were the details,
- any concerns regarding the expectations of *CYFEA* and policy,
- any identified training and /or mentoring needs,
- any identified support needs, and
- a newly completed Environmental Safety Assessment for Caregivers [FC3606].

Reassessment

Kinship care providers are reassessed using the Caregiver Reassessment [FC2605] when any of the following conditions are present:

- there has been a change in the family structure or a change in who resides in the home,

- there have been sufficient health changes to any member of the kinship care family,
- there has been a criminal charge against a resident of the home,
- the provider has changed residence, or
- a change has occurred that might affect the kinship care provider's ability to provide care.

File Closure

Close the kinship care provider file if the child is removed, adopted or becomes the subject of a private guardianship order. If the kinship care provider expresses interest in fostering, tell the provider how to apply to be approved and licensed as a foster home.

Record

Record all contacts, findings, consultations and decisions on Contact Notes [CS0072] or in the electronic information system.

Related Information

2.1 Kinship Care Approval Process

2.3 Kinship Care Support Plan

3.2.4 Medical Care

3.2.5 Child Management

3.2.6 Child Safety

3.2.7 Environmental Safety

3.4.2 Babysitting

3.4.3 Relief Care

3.4.4 Respite

3.4.5 Alternate Child Care

7. Adoption by Foster Parents or Kinship Care Providers (Enhancement Policy Manual – Adoption)

Caregiver Reassessment [FC2605]

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Foster Care Rate Schedule [FC1263]
Kinship Care Annual Evaluation Report [FC3602]
Kinship Care Guidebook for Caregivers

Alberta Health Services
Baby Steps
Child Intervention Practice Framework: Practice Strategies

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Chapter 2: Kinship Care

Section:	**2.3 Kinship Care Support Plan**	Issue Date:	October 1, 2011
Subsection:		Revision Date:	October 15, 2014
			Page 1 of 3

Policy

A Kinship Care Support Plan must be developed as soon as possible for all kinship homes.

Purpose

Kinship care support plans are developed to assist kinship care providers in meeting the needs of children placed in their homes and to ensure that the kinship care providers are provided with any supports they may need to successfully care for the children. Kinship care support plans are crucial and should reflect the collaboration of the family meeting. The plan can be completed prior to placement when possible, but must be completed immediately after placement. The plans are strengths based, completed in collaboration with the caregiver(s), culturally appropriate and based on preserving connections and reuniting family.

The Kinship Support Plan should also be reviewed regularly with the family/support team.Procedures

Develop a Kinship Care Support Plan

Upon placement, a Kinship Care Support Worker consults with the caregiver and natural family, and together they identify what initial and ongoing supports are required. The identified supports are documented in the Kinship Care Support Plan [FC3899].

Initial Supports

Kinship families may not be prepared in advance of the placement and may require flexibility in the supports needed to care for children in their home. Mobilizing formal and informal support systems immediately is crucial to the success of a kinship placement. Ongoing family meetings will continue to ensure that informal supports are accessed as well as identifying any need for formal supports to address any challenges.

Initial supports may include safety expenses, start-up costs (e.g. crib, beds, dressers, clothing, car seats, food, baby monitors, high chair, and stroller) as well as adjustments to the home and environment to meet basic safety standards (e.g. repair of doors, installation of windows, purchase of fire extinguishers).

Ongoing Supports

Supports are important to assist the caregiver in adjusting to their new role as a caregiver for a family member's child (or other relationship with the child) and all the complexities that may arise.

Supports may include but are not limited to:

- child care
- youth work
- one-to-one aides
- in-home support
- training
- cultural advisor/support
- a homemaker
- exceptional recreation
- counselling/assessment
- transportation (drivers)
- formula
- diapers
- respite

Informal supports such as the family's existing support systems and formal supports (e.g. monthly face-to-face contact, increased contact with the home, how and when contact will occur, and child-specific training, etc.) should be identified in the support plan.

Recording

Record all contacts, findings, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or in the electronic information system.

Related Information

9.5.1 Purchasing Support Services (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Kinship Care Support Plan [FC3899]

Child Intervention Practice Framework: Practice Strategies

To report a broken link click here.

Section: **2.4 Financial Compensation**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 15, 2014
	Page 1 of 4

Policy

Kinship care providers receive financial compensation to care for children in their home. In addition, all children in kinship care placements are entitled to receive the same supports and services as any other child in the custody or guardianship of the Statutory Director.

Purpose

Kinship care providers are compensated for the day-to-day care and special needs of the children in their care. They receive financial support to offset costs associated with the cultural, social, emotional and physical development of the child. In addition, because every child is unique, they may be compensated for other needs that may arise that are consistent with the care of the child.

Procedures

Refer to the Caregiver Rate Schedule [FC1263] for basic maintenance amounts.
Basic Maintenance

Inform the kinship care provider that basic maintenance is a per diem rate paid to kinship care providers intended to cover all of a child's day-to-day needs including:

- food
- clothing
- personal care items (e.g. toiletries and hair products)
- general household costs
- spending allowance for the child
- gifts (for the child and from the child to other family members)

Basic maintenance is paid for every day a child is in the kinship care home including the day of arrival and the day the child departs from the home.

$2.60 Per Diem

In addition to Basic Maintenance, all kinship care homes receive an additional $2.60 a day per child. This funding is intended to enable and encourage kinship care providers to take necessary and healthy breaks from the day-to-day demands of caring for children.

Note: This amount is not intended to pay for child specific or kinship home specific respite that may be required as that would be negotiated as part of the Kinship Care Support Plan.

Automatic Relief/Respite

All kinship care providers will be reimbursed for one day a month of relief or respite for each child placed in their home at $50 a day per child. Prior approval is not required and the caseworker must be informed of the provider. Kinship care providers can bank up to 3 days of relief/respite to be used at one time. This automatic relief/respite is available to all kinship care providers not receiving relief or respite supports through a Kinship Care Support Plan.

Reimbursement for Training Expenses

When kinship care providers attend orientation or core training, they are entitled to reimbursement for babysitting, mileage and subsistence as per the Caregiver Rate Schedule [FC1263].

Infant Care Initial Expenses/Infant Care Costs

Inform kinship care providers that they will be reimbursed with receipts for baby equipment and the costs of formula, diapers and other basic baby expenses through the Kinship Care Support Plan [FC3899]. If this causes financial difficulties, the caseworker will arrange to pay these costs directly.

Transportation

All child- related transportation costs (e.g. mileage and parking) are reimbursed according to the same rate as Alberta government employees. Child related transportation includes medical appointments, recreation, cultural events, family visits and any other transportation required pursuant to the child's concurrent plan.

Additional Supports

Kinship care providers are eligible for initial and on-going supports in a Kinship Care Support Plan (see 2.3 Kinship Care Support Plan) that would assist them in addressing factors that could become a barrier to caring for a child. Kinship care providers do not receive skill fees or special rates.

Entitlements of Children in Care

Recreation Fund

Every child in care is entitled to an annual recreational fund which is intended to cover costs of recreational activities such as sports, creative arts or music lessons, as well as recreational equipment and supplies. Kinship care providers are encouraged to purchase good quality/safe used equipment whenever possible.

Vacation/Camp Allowance

Each child in care is entitled to their full annual vacation/camp allowance. This fund may be applied towards summer camp or the costs related to a child accompanying the kinship care provider on vacation or participating in holiday activities.

Note: The above entitlements (recreation, vacation/camp) may be applied in any combination.

Education Related Expenses

Kinship care providers are reimbursed for all out of pocket expenses related to a child's education. Costs associated with extracurricular activities are negotiated with the caseworker in advance.

Child Care and Pre-School

Costs relating to various forms of child care licensed under the *Child Care Licensing Act* (day care, group family child care, innovative child care program, out of school care program, pre-school program) may be authorized.

Driver Training

Driver training costs are negotiated with the caseworker and can be reimbursed with approval by the caseworker's supervisor.

Christmas Gifts/ Birthday Gifts

Kinship care providers are entitled to be reimbursed to the amount in policy with a receipt (unless a gift was forwarded by the previous caregiver).

If a child is placed in a placement less than two months prior to the child's birthday, the kinship care provider is to be reimbursed for the gift.

Special Costs

If the kinship care provider believes a child needs an exceptional expenditure; they should consult with the caseworker regarding the case plan prior to incurring any expense.

Funeral Arrangements

When kinship care providers are involved in making funeral arrangements for a child, they will receive the basic maintenance up to and including the day of the funeral for a maximum of five days.

Emergency Situations

In consultation with the caseworker, compensation for child care related expenses, other in-home or placement supports may be provided to kinship care providers if they must be away from home or are unable to provide care in emergency situations, due to personal illness, sickness or death within the immediate family.

Ex-Gratia Payments

In exceptional circumstances, an ex-gratia payment may be considered where there is no legal obligation.

Consult with a manager if a kinship care provider requests an ex-gratia payment.

Verification of Payment to Kinship Care Providers for Financial Institutions

Basic maintenance is not guaranteed over time as it is dependant on the placement of a child. If a financial institution is requesting verification of kinship care provider compensation, direct the institution back to the kinship care provider.

Related Information

2.3 Kinship Care Support Plan
9.4.3 Camp/Vacation Allowance (Enhancement Policy Manual – Intervention)
9.4.4 Recreation Allowance (Enhancement Policy Manual – Intervention)
9.4.5 Christmas Gifts (Enhancement Policy Manual – Intervention)

Caregiver Rate Schedule [FC1263]
Kinship Care Support Plan [FC3899]

Child Intervention Practice Framework: Practice Strategies

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Section:	**3.0 Foster Care Program Requirements**	Issue Date: October 1, 2011
Subsection:		Revision Date: May 1, 2014
		Page 1 of 2

Policy

Every CFSA and DFNA must administer a foster care program that meets the requirements of:

- *Child, Youth and Family Enhancement Act*,
- Residential Facilities Licensing Regulation,
- Alberta Human Services policies and procedures, and
- any agreements developed between the Ministry and the Alberta Foster Parent Association throughout this chapter.

Purpose

The foster care program is based on the belief that a family unit and parent model is the most beneficial and desirable setting for raising a child. A licensed foster home is a temporary placement for a child in the custody or in the guardianship of a director who cannot remain with his or her own family.

Procedures

Each CFSA and DFNA develops and maintains a foster care program that provides all the roles and responsibilities set out in this chapter. The key responsibilities include:

- identifying foster care resource needs
- developing recruitment strategies
- responding to foster care inquiries
- approving new foster homes
- licensing foster homes (see 5. Licensing)
- providing a training program
- supporting foster parents to carry out their duties

- matching children to foster homes
- supporting the placement of a child in a foster home
- participating in assessments and supporting foster homes when concerns are raised
- working with the AFPA
- ensuring that foster parents have access to the dispute resolution process
- transferring files when foster families move
- closing and reopening foster homes

Related Information

3.3.7 Foster Parent Training
3.3.8 The AFPA
3.3.9 Dispute Resolution
5. Licensing
10.5 Inter-Regional/DFNA (Enhancement Policy Manual – Intervention)

To report a broken link click here.

Chapter 3: Foster Care

Section:	**3.1 Foster Home Approval Process**	Issue Date: October 1, 2011
Subsection:	**3.1.1 Recruitment and Initial Inquiry**	Revision Date: May 1, 2014
		Page 1 of 2

Policy

Each CFSA and DFNA must develop recruitment strategies and a process to respond to and track inquiries.

Purpose

Recruitment activities in communities are necessary to increase interest in becoming a foster home to provide care to children in the custody or under the guardianship of the director.

Procedures

Recruitment of Placement Providers

Each CFSA and DFNA must identify foster care resource needs and target recruitment strategies to meet foster care resource needs.

Recruitment strategies shall be developed that consider local needs, resources and circumstances.

Recruitment activities shall be conducted in the community to raise awareness and create interest in fostering.

Responding to Initial Inquiries

Provide any interested person with the information required to make a decision about becoming a foster parent, including information on:

- HS foster care program
- special needs of children in care
- eligibility requirements of foster parents
- the approval process
- licensing requirements

- dates of information sessions, if available

Send out the Foster Care Application [FC3619], if requested.

Contact

Respond to an initial inquiry within 72 hours.

Contact the person to follow-up on their inquiry at one month's time, if there has been no further contact from the person making the inquiry. Provide further information, if requested.

Tracking

Each CFSA and DFNA is required to track all inquiries.

Related Information

3.1.2 Eligibility Requirements
3.1.3 Application and Approval Requirements
5.1 Licensing a Foster Care Provider

Foster Care Application [FC3619]

A Child's Hope
Alberta Children and Youth Services

To report a broken link click here.

Section:	**3.1 Foster Home Approval Process**	Issue Date: October 1, 2011
Subsection:	**3.1.2 Eligibility Requirements**	Revision Date: May 1, 2014
		Page 1 of 2

Policy

All individuals interested in applying to become foster parents must meet eligibility requirements prior to proceeding with the application and approval process.

Purpose

The eligibility requirements for foster parents assist in determining whether the potential applicants meet the requirements to be licensed under the Residential Facilities Licensing Regulations and that they can provide a safe, stable environment, quality care and supervision to children that may be placed.

NOTE: An individual cannot apply to be both a foster care provider and a kinship care provider. If a child related to a foster parent is approved for placement in the foster home, this is considered a foster care placement. If the placement would be a placement beyond the classification level of the foster home, follow 3.3.2 Number of Child Placements.

Procedures

Obtain information from the applicant(s) that confirms:

- the applicant is 18 years of age or older
- if there are cohabiting adults, both individuals are applicants
- the applicants have their own residence (with their own address) separate and apart from other caregivers
- cohabitating applicants have had a stable relationship for at least 12 months
- the applicants have not had an additional child in the past 12 months and/or are not currently expecting an additional child to the family through pregnancy or adoption

- the applicant has had no major illness or trauma in past 12 months

Enter the applicant's information in the electronic system.

Advise the applicant of remaining requirements for approval as a foster home.

Chapter 3: Foster Care

Section:	**3.1 Foster Home Approval Process**	Issue Date: October 1, 2011
Subsection:	**3.1.3 Application and Approval Requirements**	Revision Date: May 1, 2014
		Page 1 of 4

Policy

A Foster Care Application cannot be accepted without the approval requirements being completed and evaluated.

Purpose

Foster care application approval requirements are consistent with the regulated requirements for licensing a foster home under the provisions of the RFLR.

Procedures

Complete the following activities:

Criminal Record Check Including Vulnerable Sector Search

- Advise each applicant that having a criminal record does not necessarily prevent approval, as the nature and circumstances of the offence are considered.
- Costs of the criminal record check are reimbursable upon approval of the foster home licensing application.
- Follow the process outlined in 1.2 Criminal Record Check.
- Ensure the Criminal Record Check including Vulnerable Sector Search is current within six months of the applicant applying for a Residential Facilities Licence.

Intervention Record Check

- Follow the process outlined in 1.1 Intervention Record Check.
- Any findings on an Intervention Record Check that may have an impact on an applicant's ability to be a foster parent must be thoroughly evaluated by the caseworker and casework supervisor in order to determine if there would be any impact of their ability to care for a child in the custody or under the guardianship of the director.

Medical Reference

- Provide a Medical Reference [CS0046] to each applicant.
- Advise the applicant that the completed medical reference must be returned prior to proceeding to a home study.
- Review the completed medical reference to determine if the medical practitioner has indicated any health concerns related to an applicant.
- Determine if any health concerns noted would have an impact on the applicant's ability to be a foster parent.

Personal References

- Provide each applicant with three reference letters consents to be completed by the referees.
- Review the completed personal references to verify that:
    - each referee has known the applicant's family for at least the past three years and one is a relative, and
    - the referees have not expressed any concerns that could affect the applicant's ability to be a foster parent.
- If at least two personal references do not support the application to foster, do not proceed further with the application.

Home Visit

- Conduct a home visit prior to commencing a home study to confirm that the home can accommodate a foster child.
- Provide the applicant with a Environmental Safety Assessment for Caregivers [FC3606]
- Advise the applicant that this form will be completed by a licensing officer prior to issuing a Foster Home License.

Orientation to Caregiver Training

- Provide the applicant with OCT after background checks have been assessed as favourable and a visit to the home has determined the applicant's home can accommodate a foster child.
- Advise all applicants that they must provide a certificate of completion for OCT prior to commencement of the home study.
- Review any feedback the OCT trainer may provide about the applicant's participation in training for the purpose of further assessing the applicant's suitability.

Denying an Application

If at any time during the application process it is determined that the results of an eligibility requirement or approval requirement do not support the application to become a foster parent, deny the application.

- Circumstances that require mandatory denial of the application include:
  - unresolved concerns related to the Intervention Record Check, or
  - convictions of a violent or sexual nature against a child or adult.
- Circumstances that may warrant the denial of the application include:
  - failure of the applicant to meet one or more of the eligibility requirements,
  - concerns arising from one or more of the application requirements, or
  - failure or refusal of the applicant to complete OCT.

Proceed to Home Study

When all of the above approval requirements have been met by the applicants, proceed to complete a home study on the applicants.

All information regarding the above approval requirements must be provided to the home study practitioner.

Home Study Report

Follow the process outlined in 1.3 Home Study Report.

If the home study report is not approved, do not proceed to licensing.

Approving a Foster Care Application

When all approval requirements have been met, including accepting a recommendation from the home study practitioner to approve the home as a foster care provider, complete the following:

- Review the Agreement to Foster [FC0044] with the applicant and have them sign the agreement.
- Proceed to license the foster home as per Regional licensing processes.

NOTE: Prior to any child being placed the foster home must be licensed.

Recording

Place copies or verification of all approval requirements on the facility file.

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or in the electronic information system as appropriate.

Related Information

1.1 Intervention Record Check
1.2 Criminal Record Check
1.3 Home Study Report

Agreement to Foster [FC0044]
Contact Notes [CS0072]
Medical Reference [CS0046]
Environmental Safety Assessment for Caregivers [FC3606]
International Social Service Canada-Referral Form
International Social Service Canada-Services Form

International Social Service Canada
The SAFE Home Study

To report a broken link click here.

Chapter 3: Foster Care

Section:	**3.1 Foster Home Approval Process**	Issue Date: October 1, 2011
Subsection:	**3.1.4 Agreement to Foster**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Inform foster parents of the expectations upon them to comply with CYFEA, RFLR and Human Services policy.

Purpose

Foster parents must be aware of the expectations placed upon them as providers according to CYFEA, the RFLR, the Agreement to Foster and Human Services policy.

Procedures

Informing Foster Parents of Expectations

Inform foster parents of the expectations and support them to meet these expectations by providing them with and discussing the following:

- a copy of the current RFLR which includes:
  - the duties of a license holder
  - prohibitions
  - reporting responsibilities
  - safety and emergency procedures
  - food, medication and dangerous item expectations
- a copy of the Foster Care Handbook and the Foster Care Compensation Guide
- a copy of their signed Agreement to Foster [FC0044]

Incident Reporting

Inform the foster parent of the requirement to report every incident in compliance with s.10 of RFLR, including contacting the caseworker and foster care worker and completing an Incident Report [CS2681].

Foster Parent Records

Instruct foster parents to keep records for each child in their care. Advise them that recorded information should include:

- all health appointments, accidents or injuries, medicines, immunizations,
- school progress and achievements,
- contacts with birth family,
- child behaviours, successes, celebrations, and
- any other relevant information.

Memory Books

Encourage the foster parents to maintain a memory book for children in their care. Memory books provide a record of a child's history, and may be a scrapbook, photo album or any format the foster parent chooses to record the child's history while in care. Relevant drawings, mementos, report cards and pictures for children placed in their home should also be maintained.

Returning Records

Inform foster parents that all documentation and records must be provided to the child's caseworker when the placement ends.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

7.1.3 Memory Book (Enhancement Policy Manual – Intervention)

Agreement to Foster [FC0044]

Contact Notes [CS0072]

Incident Report [CS2681]

ⓘ Foster Care Compensation Guide

Foster Care Handbook

Section:	**3.1 Foster Home Approval Process**	Issue Date: October 1, 2011
Subsection:	**3.1.5 Closing a Foster Home (Cancellation of a Foster Home Licence)**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Thoroughly review the circumstances of the foster family prior to closing the foster home. Closure requires casework supervisor approval, and the cancellation of the foster home licence.

Purpose

A variety of circumstances may occur that would lead to the closure of a foster home, including a request to close from the foster family or a recommendation to close after an assessment of care concerns.

Procedures

Decision to Close a Foster Home/Cancel a Foster Home Licence

Circumstances that may give rise to the closure/cancellation of a licence include:

- a licence renewal has been refused
- a licence has been cancelled after an assessment of care concerns
- the foster family has asked to have the home closed
- there have been no placements in the foster home during the past year

Closing a Foster Home/Cancelling a Foster Home Licence

Prior to closing a foster home:

- consult with the supervisor
- advise the caseworkers of the children placed in the home, if there are placements
- consult with the licensing officer about cancelling the licence
- advise the foster family of the decision (where appropriate this should be done face-to-face)

- advise the foster family of their right to file an administrative review or appeal regarding the cancellation of the licence
- send a letter to the foster parent with the rationale for closure, the date of closure, the process to re-open, and the dispute resolution process
- advise the licensing officer to cancel the licence

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.3.9 Dispute Resolution

5.4.2 Varying, Suspending or Cancelling a Licence

1.4.0 Overview (Enhancement Policy Manual – Intervention)

1.4.1 Administrative Reviews (Enhancement Policy Manual – Intervention)

1.4.2 Appeals to the Appeal Panel (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

To report a broken link click here.

Section:	**3.1 Foster Home Approval Process**	Issue Date: October 1, 2011
Subsection:	**3.1.6 Re-opening a Foster Home (Approving a Previously Licensed Foster Home)**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Thoroughly review the circumstances of the foster family prior to re-opening a foster home. A casework supervisor must approve the decision to re-open a foster home/approve a previously licensed foster home.

Purpose

A foster family may wish to re-open for a variety of reasons, including:

- a change in family circumstances,
- the family is requested to consider the placement of a former foster child, or
- a sibling of a child the foster family adopted requires placement.

Procedures

Consult with the supervisor and obtain approval before proceeding with the request.

Assess the family by:

- completing a Caregiver Reassessment [FC2605] if the foster home has been **closed for less than two years**. This must include an assessment of the family's circumstances since closure to determine if the foster home will meet the requirements for foster home approval and licensing, or
- completing a new home study if the foster home has been **closed for over two years** or if there is a new foster parent applicant in the family or other significant changes in the family.

The applicant must apply for and be issued a licence prior to children being placed.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

1.3 Home Study Report

3.3.3 Assessments

5.1 Licensing a Foster Care Provider

Caregiver Reassessment [FC2605]

Contact Notes [CS0072]

To report a broken link click *here.*

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011
Subsection:	**3.2.1 Matching**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Match a child requiring placement with a foster home based on the all of the information available on the child and the foster family.

Purpose

All information learned about a foster family through the home study, foster care worker contacts, caseworker contacts, the successes and challenges of various placements, and ongoing foster home assessments needs to be considered when making an informed decision to match a child and a foster home.

Procedures

Collaboration

Collaborate with caseworkers to share information available about foster family and children who require placement through every step of the matching process.

Preparing for Matching

Prepare for matching a foster family to a child who needs placement by considering the:

- capacity of the foster family,
- ages, number of children in the foster home and sibling groups,
- special needs of the children in the home and the child being considered,
- foster family's strengths and challenges,
- personality and interests of each family member,
- foster family's racial, ethnic and religious background,
- community where the foster home is located,
- the foster family's support network, and

- the ability of the foster family to accommodate a sibling group.

The caseworker completes a Placement Intake Screening [FC3104] and a Foster Care Placement Needs Scoring Chart [FC3603] when requiring a foster care placement for a child.

Determining the Best Match

Upon receiving the placement intake screening, use the information and the child's placement needs score to determine the best possible foster care match for the child:

- Consider:
  - the foster homes available,
  - the classification, interest, training, skills and suitability of each available foster home,
  - the willingness of the foster family to facilitate ongoing contact between siblings or between the child and the child's birth family,
  - the reasons for requesting an out-of-area placement if the request is for a child who currently lives in another office's jurisdiction, and
  - s.2(i) of CYFEA, Matters to be Considered.

Potential Match Identified

Upon identifying a potential match:

- provide the foster parent with all information known about the child and the child's family that is relevant to the child's care, and
- arrange as many pre-placement visits with the child as is reasonable if the foster parent agrees that the child is a good match.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

Contact Notes [CS0072]

Foster Care Placement Needs Scoring Chart [FC3603]

Placement Intake Screening [FC3104]

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011
Subsection:	**3.2.2 When a Child is Placed**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Provide intensive contact and support for the first three months after a child is placed in a foster home.

Purpose

New placements are most successful when a foster parent has received all of the information available about a child. Intensive support from the foster care worker and the caseworker during the first three months may prevent a removal request due to attention to emerging issues.

Procedures

Preparing for a Placement

Identify and arrange the supports required by the foster parent to provide quality care and meet the needs of the child, once the decision is made to place the child in the foster home.

Contact and Support upon Placement

Coordinate with the caseworker to ensure the child and the foster parent are appropriately matched and are receiving the services and supports they require for the first three months. Base the contact and support provided on:

- the needs of the child,
- the skills of the foster parent, and
- other factors specific to the child and the case plan.

If the child's placement needs score is higher than the classification of the foster home:

- collaborate with the child's caseworker to complete and implement a Foster Care Support Plan [FC3605], and

- collaborate with the child's caseworker to complete the special rates forms [FC0245] and [FC0246], if applicable.

Reviewing the Scoring Chart after Placement

If the child is entering the director's care for the first time, with the foster parent and caseworker:

- review the Foster Care Placement Needs Scoring Chart [FC3603] after the child has been in the placement for 30 days, and
- collaborate with the caseworker to complete a Foster Care Support Plan [FC3605] and/or special rates forms, if required.

Involvement in Case Planning for the Child

Participate with the foster parent and the child's caseworker in the development of the child's case plan.

NOTE: The caseworker retains all casework and permanency planning responsibility for the child.

Ongoing Support

Provide ongoing support to the foster parent during the child's placement as required.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.2.3 Supporting a Child's Case Plan

3.3.4 Contacting and Supporting the Foster Family

3.3.5 Foster Care Support Plan

7.3.3 Casework Responsibilities During Placement (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Face Sheet – Special Rate Schedule [FC0246]

Foster Care Placement Needs Scoring Chart [FC3603]
Foster Care Support Plan [FC3605]
Services Expected from a Foster Family [FC0245]

To report a broken link click *here*.

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011
Subsection:	**3.2.3 Supporting the Child's Case Plan**	Revision Date: October 1, 2011 Page 1 of 2

Policy

Support the foster parents in understanding and meeting their responsibilities in the child's case plan.

Purpose

Foster parents need to understand their roles and responsibilities to support the successful outcome of the child's case plan.

Procedures

Foster Parent's Case Plan Responsibilities

Participate with the foster parent and the caseworker to support the case plan.

Assist the foster parent to carry out their responsibilities under the child's case plan by:

- supporting the foster parent to complete all assigned tasks, and
- linking the foster parent to any resource needed to carry out their responsibilities.

Updating the Caseworker

Keep each caseworker with a child placed in the foster placement informed about:

- the progress of the placement,
- the foster parent's ability to support the case plan,
- emerging issues and plans to address them,
- supports and resources needed from the caseworker,
- any significant events or changes with the foster parent,

- any concerns about the child's or foster family's safety, and
- any intention of or need of the foster parent to use an alternate child care provider.

Caseworker Considering the Foster Parent as a Permanent Placement

Discuss with the foster parents:

- their understanding of the child's immediate and long-term needs,
- their interest and ability to make a permanent commitment to the child through adoption or private guardianship, if appropriate,
- the information and supports the foster parent would need to adopt or obtain private guardianship, and
- their role in supporting permanency if they choose not to apply for adoption or private guardianship.

Recording

Record all contacts, consultations and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.4 Child Care Arrangements

7. Adoption by Foster Parents or Kinship Care Providers (Enhancement Policy Manual – Adoption)

Contact Notes [CS0072]

To report a broken link click *here*.

Chapter 3: Foster Care

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011
Subsection:	**3.2.4 Medical Care**	Revision Date: October 1, 2011 Page 1 of 4

Policy

Foster parents are sub-delegated by the director under the Delegation Schedule responsibility for a child's ordinary medical and dental care. See Appendix A.2 Delegation Schedule.

Purpose

Ordinary medical and dental care procedures are procedures that are administered and performed on a routine basis and that do not require hospitalization, surgery or use of general aesthetic.

Foster parents live with the child who is in the custody or under the guardianship of the director and therefore, can more easily attend to and schedule the child's medical, dental and optical appointments.

Procedures

Advise the foster parent:

- of their responsibility to document medical, dental and optical information about the child in their care and communicate the information to the caseworker, in a manner agreed upon with the caseworker,
- of their responsibility to record illnesses, medical appointments and prescriptions,
- that they may consent to **ordinary** medical and dental care, and
- to advise the caseworker where a child requires **essential** medical, surgical, dental or other remedial treatment recommended by a physician or dentist. This allows the caseworker to obtain the appropriate consent, approval and/or order to obtain the treatment.

Payment

The foster parent obtains any needed ordinary medical, dental or optical care using the child's Alberta Health Care card or the Treatment Services Card

[CS1126] for payment, including prescription drugs. For a registered Indian child, the foster parent is to give the service provider the child's registration number and advise the service provider to bill Health Canada. The caseworker will follow CFSA/DFNA procedures for payment for procedures not covered.

Medical Care

Inform the foster parent that:

- A foster parent is to accompany the child to any medical or dental appointment unless the child's guardian has retained this responsibility or the caseworker agrees with the foster parent and child that the child is capable of attending the appointment alone.
- A foster parent is to book a medical examination within two working days of the child coming into care and on an annual basis thereafter in addition to any other appointments required for health concerns.

Dental Care

Inform the foster parent that:

- A child must have a dental examination completed within two months of coming into care if one was not completed in the preceding year.
- A dental examination must be completed annually for a child who has been in the continuous care of the director for more than a year.
- If the dentist recommends orthodontic work, the foster parent refers the dentist to the caseworker for approval.

Optical Care

Inform the foster parent that:

- An optical examination must be completed annually for a child who has been in the continuous care of the director for more than a year.

Medications

Inform the foster parent that:

- The foster parent purchases any needed non-prescription drugs using the basic maintenance.
- All new prescriptions or changes in prescriptions must be reviewed with the caseworker.
- The foster parent must administer all medications unless a caseworker has agreed that a child may self-administer medication.

Emergency Situations

Advise foster parents that for a child under guardianship, a foster parent may provide consent for **emergency medical services only** when the following criteria are met:

- In the expert opinion of a medical professional, a child needs emergency medical services in order to:
  - prevent death,
  - prevent further injury, or
  - prevent disability of the child

and

- contacting the director will delay emergency treatment enough to endanger the child's life, cause further injury or disability.

The director must be contacted as soon as the emergency situation has passed.

Ambulance Services

Except in an emergency, the foster parent must request prior approval for ambulance services.

Prosthesis

The foster parent requests written prior approval for the purchase of any needed prosthetic equipment or appliance.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.2.6 Child Safety

9.1.1 Medical/Dental Consent (Enhancement Policy Manual – Intervention)

9.1.3 Medical Care (Enhancement Policy Manual – Intervention)

9.1.4 Medical Services Payment (Enhancement Policy Manual – Intervention)

9.1.5 Dental (Enhancement Policy Manual – Intervention)

9.1.6 Eye Care (Enhancement Policy Manual – Intervention)

9.1.11 Medical Services Coverage (Enhancement Policy Manual – Intervention)

9.1.12 Medication Management (Enhancement Policy Manual – Intervention)

Appendix A.2 Delegation Schedule (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Treatment Services Card [CS1126] – paper form

To report a broken link click *here*.

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011
Subsection:	**3.2.5 Child Management**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Every foster parent is to be made aware of the child management expectations and regulated prohibitions, and be supported in meeting these expectations.

Purpose

Foster parents must be guided by discipline practices that promote children's self-esteem and independence while ensuring their physical safety.

Procedures

On an ongoing basis, engage foster parents in a discussion of s.9 of RFLR and Human Services' expectations, including supporting them to:

- obtain training in the approved child guidance strategies,
- use child guidance strategies that encourage self-control, independence, self-respect and respect for others,
- adhere to the prohibitions regarding physical discipline, degradation and emotional deprivation,
- commit to refrain from using child guidance methods that ridicule, humiliate, degrade, insult, undermine dignity or undermine self-worth,
- abstain from using disciplinary measures that threaten or actually:
  - deny basic necessities such as food, shelter, clothing, sleep, washroom access or medication,
  - deny visits or contact with family or extended family,
  - confine the child in a locked place, or
  - threaten the child be removed from the placement,
- ensure that each new child placed in the home is made aware of the standard of behaviour expected in the home and the child's consequences for not meeting the standard, and

- commit to apply the standard of behaviour and the consequences sensitively and fairly, adjusting the application to each child's needs, abilities and level of development.

Child Management Challenges

If an individual foster child has specific child management challenges:

- provide extra support to the foster parent,
- assist the foster parent in identifying and obtaining available relevant training, self-study material, books or consultation,
- develop, with the caseworker and foster parent, an individual child management plan if the behaviour is becoming unmanageable, and
- support the foster parent in implementing the plan.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.1.4 Agreement to Foster

5. Licensing

Contact Notes [CS0072]

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Section:	3.2 Supporting a Child's Placement	Issue Date: October 1, 2011
Subsection:	3.2.6 Child Safety	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Every foster parent must be aware of the child safety expectations and must be supported to meet these expectations.

Purpose

Steps must be taken to ensure that children in the custody or under the guardianship of the director are kept safe from harm to the extent possible.

Procedures

Child Safety Expectations

Provide foster parents with information on child safety and the duties of a licence holder per s.11 of RFLR.

Water Safety

Inform foster parents that they must be aware of, and committed to provide safety in and around water by:

- constantly supervising preschool aged children when bathing,
- keeping toilet seats down when preschool children are in the home,
- emptying a wading pool, bucket or bathtub immediately after use, and
- keeping small children away from water hazards in or near the home.

Trampolines

Inform foster parents that no child under six should use a full size trampoline and that a child on a trampoline must be supervised at all times.

Child Operating Off-Highway Vehicles

Inform the foster parent that a child requires caseworker approval to operate an off-highway vehicle and is allowed to operate an off-highway vehicle only:

- according to the law,
- after proper training,
- with supervision,
- with appropriate protective gear,
- on private property,
- without a passenger, and
- with respect for the environment and other operators.

Children Using a Weapon

Inform the foster parent that:

- a child can use a weapon only within sight, and under the supervision, of a responsible adult, and
- a child can own or receive a weapon only with approval from the caseworker.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

1.6 Transporting Children (Enhancement Policy Manual – Intervention)

7.4.3 Firearms Licence (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Advisories and Warnings

Is Your Child Safe?

Transport Canada

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011	
Subsection:	**3.2.7 Environmental Safety**	Revision Date: October 15, 2014	
		Page 1 of 4	

Policy

Foster parents must comply with the health and safety requirements set out in s.11 of RFLR and HS policy.

Procedures

Health and Safety Expectations

Support the foster parent to meet the obligations outlined in the Environmental Safety Assessment for Caregivers [FC3606] on an ongoing basis. Support and assist the foster parent with any follow-up required by the licensing officer. Discuss with foster parents, the following:

Sleeping Arrangements

Each child in care must have a separate bed or crib as a permanent sleeping arrangement based on the age and development of the child, which meets Canadian safety standards.

Children under the age of six years cannot sleep on the top bunk of bunk beds. Inform the foster parents that Alberta Health Services Safe Sleep Practices for infants with normal development (0 to 12 months) must be followed including;
- placing baby on back to sleep,
- keeping baby warm, not hot,
- ensuring the baby does not bed-share with anyone due to a number of associated risks, including falls and suffocation **(bed- sharing means a baby is sleeping on the same surface, bed, sofa, couch, etc., with another person**) and;
- cribs must be free of quilts, comforters, bumper pads, stuffed animals, pillows and other pillow-like items.

Foster parents providing care for a child 36 months and under must be educated in the most current recommendations to reduce the risk of unexplained sudden infant death, including safe sleeping, soothing and self-regulating, by attending Safe Babies caregiver training.

Advise foster parents that they are to follow the most current recommendations for safe sleeping unless, after consultation with the designated physician, they have his/her permission to vary the recommendation. Any variations **must** be discussed with the caseworker and documented.

Car Restraints

Inform the foster parent that all infant, child and booster seats must meet Transport Canada's safety regulations.

First Aid Certification

Advise each foster parent that they must hold a valid first aid certificate and newly licensed foster parents must complete first aid within six months of approval and every three years thereafter.

Medication and Toxin Storage

Inform the foster parent that any prescription and non-prescription drugs are to be stored in a locked facility. Instruct the foster parents to store hazardous chemicals and other toxins out of the reach of children.

Weapon Storage and Use

Inform the foster parents that:

all weapons, including firearms, BB guns, pellet guns, sport and hunting knives, cross bows and arrows, must be stored in a locked facility,

ammunition must be locked up separately,

all firearms must be trigger locked, and

no child in the home is to have access to the trigger lock keys.

NOTE: Foster parents must inform the foster care worker, licensing officer and caseworker if there are any weapons in the home.

If the foster parent requests approval to purchase trigger locks, the cost will be reimbursed.

Emergency Evacuation Procedures

Inform the foster parent that every person who lives in the home needs to know the emergency evacuation procedures and participate in a monthly practice.

Fire Extinguishers and Smoke Detectors

Direct the foster parent to check monthly that all fire extinguishers and smoke detectors are in working condition.

Universal Precautions

Inform the foster parent that they must:

- use practices that minimize transmitting infectious diseases, and
- orient the child to the expected health practices in the home when a child is placed.

Non-Smoking Environment

Inform the foster parents that they must be aware of, and committed to provide a non-smoking environment by:

- not allowing smoking in the home when a foster child is placed,
- not allowing smoking in a vehicle when a foster child is present,
- not allowing use of smokeless tobacco when a foster child is present, and
- not purchasing tobacco products for a foster child.

NOTE: This policy does not restrict the spiritual use of tobacco.

Transportation of Children

If foster parents drive and transport children, inform them that they must demonstrate commitment to vehicle safety and safe transportation by:

- providing proof of a valid driver's licence, car registration and insurance,
- using automobile child safety seats, booster seats, seatbelts and air bags according to Transport Canada's safety policy and regulations, and
- allowing a child to operate a vehicle only with the caseworker's approval.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

5.1.1 Initial Foster Home Licence

5.1.2 Renewal of a Foster Home Licence

5.4.2 Varying, Suspending or Cancelling a Licence

1.6 Transporting Children (Enhancement Policy Manual – Intervention)

7.4.3 Firearms Licence (Enhancement Policy Manual – Intervention)

Cribs and Cradles Regulations

Hazardous Products Act

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Safe Sleep

Alberta Health Services Safe Infant Sleep Resources

Safe Sleep for Your Baby Brochure

Transport Canada/Child Safety

To report a broken link click here.

Section:	**3.2 Supporting a Child's Placement**	Issue Date: October 1, 2011
Subsection:	**3.2.8 When a Child Leaves**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

After a foster child leaves a foster home, a discussion is to be held with the foster parent to review that placement and to plan for the next placement.

Purpose

A foster parent needs the opportunity to debrief, take a break, if necessary, and work with the foster care worker to update their matching criteria.

Procedures

When a child leaves

- discuss with the foster parent the reasons for the child's move,
- request that the caseworker hold a case conference, if required, to identify the responsibilities and tasks related to the move,
- support the foster parent in preparing the child and the foster family members for the move, and
- assist the foster parent to identify all information, records and materials to be returned to the caseworker.

Obtain feedback

Once the child has moved, review the caseworker's Placement Resource Feedback Report [FC2824] with the foster parent to identify strengths and challenges for consideration in upcoming matches.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

Contact Notes [CS0072]

Placement Resource Feedback Report [FC2824]

To report a broken link click *here*.

Section: **3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection: **3.3.1 Classifying Foster Homes**	Revision Date: June 15, 2012
	Page 1 of 2

Policy

Every foster parent must be classified as a level 1 or level 2 foster home.

Purpose

Classifying a foster home:

- recognizes the knowledge, skills and experience of a foster parent,
- assists in matching a prospective foster child to a foster parent's abilities,
- offers incentive for a foster parent to develop their abilities, and
- provides financial compensation reflective of the foster parent's skills and abilities.

Procedures

Assigning a Classification

Upon approving a new foster home:

- classify the home as a level 1 foster home unless the foster parent has been exempted from the training requirements for a higher classification,
- inform each foster parent of the expectations of level 1 foster homes as set out in Foster Care Classification Expectations [FC3604],
- inform each foster parent of the requirement to complete the core foster care training within four years, and
- develop a learning plan with each foster parent to complete at least nine hours of training annually
- classify the home as a level 2 foster home if the foster care provider is:
  - an approved foster home transferring from another jurisdiction to Alberta,

  - a previous foster home, or
  - has specialized experience and education.

Reclassification to a Level 2 Foster Home

To reclassify a foster home to level 2:

- confirm that each foster parent has completed all of the core foster care training modules,
- review the most recent annual assessment and all placement feedback reports to determine that each foster parent has demonstrated level 2 competencies,
- review with each foster parent the expectations of a level 2 placement and the needs of children who require a level 2 placement,
- confirm with each foster parent a commitment to accept children identified as needing a level 2 placement, and
- if the supervisor approves reclassifying the placement, reclassify the home as a level 2 foster home.

All level 2 classifications must complete core training unless an equivalency exemption is granted by the casework supervisor.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.3.7 Foster Parent Training

Contact Notes [CS0072]

Foster Care Classification Expectations [FC3604]

To report a broken link click here.

Chapter 3: Foster Care

Section:	**3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection:	**3.3.2 Number of Child Placements**	Revision Date: May 1, 2014
		Page 1 of 3

Policy

Each foster home must be assigned a number of child placements. The number of placements is based on an assessment of the foster home's capacity and is tied to the foster home classification level, as follows:

- Level 1 foster home: 1 or 2 placements
- Level 2 foster home: 1, 2, 3 or 4 placements

NOTE: A foster home is not eligible for additional placements beyond the number allotted for its classification. This applies even if the home is licensed for more placements.

Purpose

Foster parents must be assessed as having the capacity necessary to provide appropriate care to, and meet the needs of, every child placed in their home.

Procedures

Assigning the Number of Child Placements

Assign the number of child placements to a foster home based on the foster home's capacity. An assessment of foster home capacity includes a review of the:

- number of dependants and the number of children under the ages of two years and three years who are under the direct care and supervision of the foster parent,
- classification of the foster parent,
- training, skills and experience of each parent,
- number of dependents and other persons who reside in the home (developmental, emotional, behavioural, or other special needs),

- amount of personal space, storage space, activity space and outdoor space available for foster children, and
- availability of supports in the community for the foster children and the foster family.

NOTE: A child being provided respite care is not counted in the number of child placements.

Considerations to assign additional child placements beyond the classification level

A foster home may be eligible for a child placement beyond the classification level in the following circumstances:

- it would keep a sibling group together,
- it would meet a child's ethnic or cultural needs,
- it would place a child who is returning to care in his or her previous placement, or
- the situation is so exceptional that no other alternative is reasonable (e.g. teen with a child or child related to a foster parent).

Criteria

The following information must be provided to a manager or a DFNA Director. To obtain approval to assign a child placement beyond the classification level, the following requirements **must** be met:

- every reasonable alternative placement has been considered,
- the foster home has had placements for at least six continuous months,
- the current assessment (six month, annual or reassessment) indicates that the foster parent has the training and skills necessary to care for every child currently placed and being considered for placement,
- the licensing officer confirms the foster home meets the regulated requirements to be licensed for the number of children being considered for placement and is prepared to vary the licence accordingly,
- the foster care worker and foster care supervisor recommend approval of the placement, and
- a Foster Care Support Plan [FC3605] has been completed and approved for implementation upon placement of the additional child.

Take into account the:

- ages and individual needs of the children currently in the placement,

- match between the children currently in the placement and the proposed children,
- support to place additional child placements from the caseworkers of the children already in the placement,
- anticipated duration of the child's placement being considered for a placement beyond the classification level.

Approving a Placement beyond the Classification Level

Upon reviewing the criteria and considerations, the manager decides whether to approve the placement. DFNA directors determine who will approve placements beyond the classification level within their Agency.

Obtain, in writing, the manager's approval of the placement beyond the classification level.

Notify the licensing officer if a varied licence needs to be issued.

> **NOTE:** The manager's approval of a placement beyond the classification level is only valid for the child specific to the request.

Recording

Record all contacts, consultations, decisions and rationale for decisions, on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.2.1 Matching
3.3.1 Classifying Foster Homes
3.3.3 Assessments
5.1.1 Initial Foster Home Licence
5.1.2 Renewal of a Foster Home Licence

Contact Notes [CS0072]
Foster Care Support Plan [FC3605]

To report a broken link click here.

Section:	3.3 Supporting and Monitoring Foster Homes	Issue Date: October 1, 2011
Subsection:	3.3.3 Assessments	Revision Date: October 1, 2011
		Page 1 of 4

Policy

A six month assessment **must** be completed on each new foster home.

An annual assessment **must** be completed on all foster homes.

A foster home **must** be reassessed if there have been significant changes in the home.

Purpose

Assessments evaluate the foster parent's ability to care for foster children as well as evaluate whether the needs of children placed are appropriately matched with the foster parent's abilities and capacity. The early identification of issues and needed supports prevents removals and the closure of foster homes.

Procedures

Six Month Assessment

Complete the Foster Care Six Month Assessment [FC3896] after a new or reopened foster home has been open for six months. When completing the assessment:

- include the foster family's input,
- focus on the foster family's general well-being and response to the fostering experience,
- address the foster family's strengths and challenges, and
- address any concerns regarding the expectations of foster homes.

Use the results of the assessment to:

- update the placement matching criteria,
- identify training needs, and

- identify support needs.

NOTE: The six month assessment **must** be completed prior to considering the foster home for a change in the number of child placements.

Annual Assessment

Review:

- feedback received over the past year from caseworkers and service providers regarding the ability of the foster family to:
  - meet the needs of the children placed in the placement,
  - work cooperatively with caseworkers, service providers and/or the child's family, and
  - become aware of their challenges and to develop abilities in these areas,
- the supports and training provided to the foster family, and
- the impressions of the children placed in the home.

Visit the foster family and complete the annual assessment using the Foster Care Annual Assessment [FC0172].

When completing the assessment:

- include the foster family's input,
- focus on the foster family's general well-being and response to the fostering experience,
- address the family's strengths and challenges,
- ask whether any child in the home 12 years or older has been involved in the criminal justice system and, if so, what were the details,
- ensure each foster parent has completed the training required in the training plan developed for the past year, and
- address any concerns regarding the expectations of foster homes.

Use the results of the assessment to:

- update the placement matching criteria,
- update the assigned classification and number of child placements,
- identify training needs, and
- identify needed supports.

Develop a learning plan with the foster parent to complete any required training plus any training needed to meet the specific needs of a child placed in the home.

NOTE: An annual assessment is a regulated requirement for the renewal of a foster home license per RFLR s.4(a).

Reassessment

Reassess a foster home using the Caregiver Reassessment [FC2605] if there have been any of the following significant changes:

- a change in the family structure or in who lives in the placement,
- changes to the health of the foster family,
- a change to the living space of the residence,
- a significant financial change,
- a criminal charge against a resident of the placement,
- a change in location,
- any other change that might affect the foster parent's ability to foster or affect the current licence, or
- the foster parent has applied in writing to have the licence terms or conditions varied.

Inform the licensing officer if the reassessment impacts the existing licence.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.1.4 Agreement to Foster

3.3.1 Classifying Foster Homes

3.3.2 Number of Child Placements

3.3.7 Foster Parent Training

5.1.2 Renewal of a Foster Care Licence

Caregiver Reassessment [FC2605]
Contact Notes [CS0072]
Foster Care Annual Assessment [FC0172]
Foster Care Six Month Assessment [FC3896]

To report a broken link click *here.*

Section:	**3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection:	**3.3.4 Contacting and Supporting the Foster Family**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

Regular contacts and visits must occur with a foster family while there is a foster child placed in the home.

Purpose

Supporting a foster family helps meet the needs of each child placed in the home.

Procedures

Contact During the Placement

While a child is placed with a foster parent:

- visit the foster parent at least once a month for the first three months after a child is placed in the home,
- have face-to-face contact visit at least once every three months with the foster parent thereafter, and
- have monthly contact with the foster parent.

Tailor the amount of contact, the nature of the contact and with whom to have contact by considering at least the:

- number and needs of the children placed,
- experience and skills of the foster parent,
- foster parent's responsibilities under the case plan, and
- relationships among the children living in the home.

Review of Placement

Through ongoing contacts and visits with the foster family, continually review the:

- progress of each child's placement in the foster home,
- foster parent's challenges and successes,
- foster parent's behaviour management strategies,
- child's adjustment to the placement, school, neighbourhood, peers and other community contacts,
- contacts the child has with the caseworker, service providers and family members, and
- foster parent's ability to support the case plan, including:
    - progress in completing assigned tasks,
    - use of community resources,
    - ability to maintain cultural connections, and
    - relationship with the caseworker, service providers and the child's family members.

Supporting the Foster Home

During ongoing contacts with the foster parent:

- assist the foster parent to obtain case information to support the case plan,
- identify emerging issues that need to be addressed,
- identify support, resources and training that would assist the foster parent meet the child's needs,
- provide the identified supports or ask the caseworker to provide the supports, and
- coordinate planning for the provision of identified supports.

Child-Specific Training

If the foster parent's ability to care for the child would be enhanced by taking training:

- develop a child-specific training plan with the foster parent,
- provide or arrange for the identified training, and
- if the relevant training is not available, provide consultation that will meet the need.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.2.2 When a Child is Placed

3.3.5 Foster Care Support Plan

3.3.7 Foster Parent Training

Contact Notes [CS0072]

To report a broken link click *here*.

Section:	**3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection:	**3.3.5 Foster Care Support Plan**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Develop a foster care support plan when there is a need for additional support due to the complex needs of a child or exceptional circumstances of a foster home.

Purpose

Support plans are to help provide foster parents with the supports necessary to meet the needs of children in their care.

Procedures

Developing a Foster Care Support Plan

Develop a Foster Care Support Plan [FC3605] with the caseworker and foster family if:

- the foster home is classified at level 1 and the child's Foster Care Placement Needs Scoring Chart [FC3603] has at least a third of the check marks in the level 2 classification column,
- the foster home is classified at level 1 or level 2 and the child's Foster Care Placement Needs Scoring Chart has at least one of the check marks in the specialized classification column,
- the child has specific needs or the foster family is experiencing exceptional circumstances, or
- there is approval to assign placements beyond the classification guidelines.

Document in the support plan the foster family's ongoing informal supports, such as existing support systems, increased caseworker or foster care worker contact with the family, child-specific training, etc.

NOTE: Support plans require the approval of the caseworker's supervisor.

Additional support services that may be provided in a support plan may include:

- child care
- a youth worker
- one-to-one worker
- in home support
- training
- cultural advisor/support
- a homemaker
- a tutor
- exceptional recreation
- counselling/assessment
- transportation (drivers)

Recording

Record all contacts, consultations and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

Contact Notes [CS0072]

Foster Care Placement Needs Scoring Chart [FC3603]

Foster Care Support Plan [FC3605]

To report a broken link click *here*.

Section:	**3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection:	**3.3.6 Financial Compensation**	Revision Date: October 15, 2014
		Page 1 of 6

Policy

All foster parents will receive financial compensation to care for children in their home.

In addition, all children in care receive entitlements to further support them in their placements.

Purpose

Foster parents must be compensated for the day-to-day care and special needs of the children in their care. Children must receive financial support for their cultural, social, emotional and physical development.

Procedures

Financial Compensation for Foster Parents

Refer to Foster Care Rate Schedule [FC1263] for amounts.

Basic Maintenance

Inform the foster parent that basic maintenance is a per diem rate paid to foster parents intended to cover all of a child's day-to-day needs including:

- food
- clothing
- personal care items (toiletries and hair products)
- general household costs
- spending allowance for the child
- gifts (for the foster child and from the foster child to other family members)

Basic maintenance is paid for every day a child is in the foster home including the day of arrival and the day the child departs from the home.

Skill Fees

Inform foster parents that level 1 and level 2 skill fees are an acknowledgement of their skills, training and experience. Skill fees are based on the classification of the foster home.

Foster parents are paid skill fees for each child in the placement and for each day the child is in the placement, including the day of arrival and the day the child departs from the home.

A level 2 foster home receives the level 2 skill fee even if a child placed in the home does not require a level 2 placement.

$2.60 Per Diem

In addition to Basic Maintenance, all foster homes receive an additional $2.60 a day per child. This funding is intended to enable and encourage foster parents to take necessary and healthy breaks from the day-to-day demands of fostering. This amount is not intended to pay for child specific or foster home specific respite that may be required and would be negotiated as part of a foster care support plan.

First Nation foster families have the option of compensation through either skill fees or special rates.

Automatic Relief/Respite

All foster parents will be reimbursed for one day a month of relief or respite for each child placed in their home at $50 a day per child. Prior approval is not required and the caseworker must be informed of the provider. Foster parents can bank up to 3 days of relief/respite to be used at one time. This automatic relief/respite is available to all foster parents not receiving relief or respite supports through a Foster Care Support Plan.

Reimbursement for Training Expenses

Foster parents are entitled to reimbursement for babysitting, mileage and subsistence for core training as per the Foster Care Rate Schedule [FC1263].

Special Rates

Inform foster parents that special rates may be paid to foster parents with children in their care with specialized needs per the Foster Care Placement Needs Scoring Chart [FC3603].

Special rates replace the usual skill fee. Special rates are intended to compensate foster parents for the increased level of skill, training, experience and effort involved in caring for a specialized child. Special rates are reviewed every six months.

Infant Care Initial Expenses

Inform foster parents that they will be reimbursed with receipts for baby equipment up to a maximum of $500 when an infant (aged 0-36 months) is placed in their foster home. Foster parents may require initial or additional baby equipment in order to accept an infant placement, including a crib, car seat, baby monitor, change table, high chair and/or stroller (or a similar item). The equipment is intended to ready the foster home placement for additional infants and in most cases would remain in the foster home when the child leaves.

Infant Care Costs

Inform foster parents that they will be reimbursed $150 per child per month for the costs of formula, diapers and basic baby care supplies (baby clothing and items such as bottles, soothers, bunting bags etc.). Prior approval is not required. Foster parents will submit their expenses with receipts to the child's caseworker. Items specific to the child will go with the child if the child moves from the home.

Transportation

All child related transportation costs (mileage and parking) are reimbursed according to the same rate as Alberta government employees. Child related transportation includes medical appointments, cultural, recreation, family visits and any other transportation required pursuant to the child's case plan.

Vehicle Inspections

Foster parents will be reimbursed the costs of a vehicle inspection if one is requested according to regional/DFNA procedures.

Additional Compensation

Inform foster parents that if they accept the placement of a child outside of their current matching criteria, they may be eligible for compensation of costs associated with any equipment or supplies necessary to facilitate or support the placement, with the caseworker's approval.

Approved Absence

Inform foster parents that they are entitled to basic maintenance during the temporary approved absence of a child from the placement, providing the intent is for the child to return to the placement. Temporary absences include extended visits, assessment and treatment programs, secure services, a youth justice placement or when a child is removed from a foster home during an assessment of care concerns. The intent is to support foster parents who are maintaining a bed and usually involvement with the child.

During an approved absence, foster parents are compensated as follows:

- the full basic maintenance and any skill fee for the first seven days, and

- 50% of the basic maintenance and 50% of any skill fee for an additional 7 days.

If the foster parent is actively involved with a child who is hospitalized or out of the home for an approved temporary absence, the caseworker's manager may approve an extension of full basic maintenance and/or skill fee payments in order to maintain the placement.

Absent Without Leave (AWOL)

Where a child is AWOL, foster parents receive the basic maintenance rate and skill fee for a maximum of five days in any calendar month.

Entitlements of Children in Care

Recreation Fund

Advise foster parents that each child in care is entitled to an annual recreational fund. This fund is intended to cover costs of recreational activities such as sports, creative arts or music lessons, as well as recreational equipment and supplies. Foster parents are encouraged to purchase good quality/safe used equipment whenever possible.

Vacation/Camp Allowance

Inform foster parents that each child in care is entitled to their full annual vacation/camp allowance. This fund may be applied towards summer camp and/or the costs related to a child accompanying the foster parent on vacation or participating in holiday activities.

NOTE: The above entitlements (recreation, vacation/camp) can be applied in any combination.

Education Related Expenses

Foster parents will be reimbursed for all out of pocket expenses related to a child's education. Costs associated with extra-curricular activities require prior approval from the caseworker.

Preschool programming

Costs relating to recommended preschool placements to address the child's developmental needs may be authorized with the approval of the caseworker's supervisor.

Driver Training

Driver training costs may be reimbursed with prior approval by the caseworker's supervisor.

Christmas Gifts/ Birthday Gifts

Foster parents should purchase Christmas gifts for their foster child from the basic maintenance, unless the child was placed after October 31. If the child was placed after October 31, the foster parent is entitled to be reimbursed with a receipt with prior approval from the caseworker (unless a gift was forwarded by the previous caregiver).

If a child is placed in a placement less than two months prior to the child's birthday, the foster parent is to be reimbursed for the gift.

Special Costs

Inform the foster parents that if they believe that a child needs an exceptional expenditure, they must request prior approval from the caseworker and/or the caseworker's supervisor.

Funeral Arrangements

When foster parents are involved in making funeral arrangements for a child, they will receive the skill fee up to and including the day of the funeral for a maximum of five days.

Emergency Situations

With the caseworker's approval, compensation for the care of foster children, other in-home or placement supports will be provided to a foster parent if they must be away from home or unable to provide care in emergency situations due to personal illness, sickness or death within the immediate family.

Ex-gratia Payments

In exceptional circumstances, an ex-gratia payment may be considered where there is no legal obligation.

Refer to WorkLinks if a foster parent requests an ex-gratia payment.

Verification of Payment to Foster Parents for Financial Institutions

Basic maintenance and skill fees/special rates are not guaranteed over time as they are dependant on the placement of a child. If a financial institution is requesting verification of foster parent compensation direct the institution back to the foster parent.

Related Information

9.4.3 Camp/Vacation Allowance (Enhancement Policy Manual – Intervention)
9.4.4 Recreation Allowance (Enhancement Policy Manual – Intervention)
9.4.5 Christmas Gifts (Enhancement Policy Manual – Intervention)

Foster Care Placement Needs Scoring Chart [FC3603]
Foster Care Rate Schedule [FC1263]

To report a broken link click here.

Section:	**3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection:	**3.3.7 Foster Parent Training**	Revision Date: October 15, 2014
		Page 1 of 2

Policy

Every foster parent must be aware of the training expectations and supported to meet these expectations.

Purpose

Foster care training enables foster parents to continually improve their knowledge, skills and abilities to provide nurturing and supportive care to children who often present developmental, emotional and behavioural challenges beyond those experienced in normal parenting.

NOTE: Training is a regulated requirement per the RFLR s.4(c).

Procedures

Training

Advise new foster parents that they must have current First Aid certification within six months as per licensing regulations. Foster parents must maintain current First Aid certification.

Inform each foster parent of core training expectations and that they must complete core foster care training within four years of initial approval.

Inform new foster parents that they must complete a minimum of nine hours of training each year as a level 1 foster home until the completion of core training and nine hours of supplemental training thereafter.

Inform level 2 foster parents that they must complete 12 hours of supplemental training each year.

Use the Challenge Tool to determine if foster parents have the skills from previous training and/or experience to be exempt from any core training.

Payment

Inform foster parents that they will be reimbursed for babysitting, mileage and subsistence for core training as per the Caregiver Rate Schedule [FC1263].

Recording

Record all contacts, consultations, decisions and rationale for decisions, on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Keep an up-to-date record of all training completed by each foster parent.

Related Information

3.3.6 Financial Compensation

5.1 Licensing a Foster Care Provider

Contact Notes [CS0072]

Caregiver Rate Schedule [FC1263]

Orientation for Caregivers Training

Core Training (Foster Parent Training Modules)

Level 1 Foster Care Training Challenge Tool - Introduction

Level 1 Foster Care Training Challenge Tool -Questions

Level 1 Foster Care Training Challenge Tool –Suggested Responses

To report a broken link click here.

Section:	**3.3 Supporting and Monitoring Foster Homes**	Issue Date: October 1, 2011
Subsection:	**3.3.8 The AFPA**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Human Services staff members must be familiar with the role of the AFPA and the AFPA supports available to foster parents.

Purpose

Human Services and the AFPA both work with, and support, foster parents caring for the children in the director's care. Familiarity with the AFPA and the services they provide enables staff to appropriately refer foster parents for additional information and support.

Procedures

Liaise with the AFPA to provide training and foster parent recognition events.

Refer foster parents to the AFPA for supports including assistance with disputes and the support of the Foster Allegation Support Team.

Citation Evenings

Support the AFPA to organize and hold annual local foster parent recognition evenings where Human Services presents certificates of recognition or "citations" that recognize foster parents who have actively fostered for five years or multiples of five years.

The AFPA presents five year pins and plaques for multiples of five years from 10 years on.

Assist the local AFPA by:

- calculating eligibility for recognition by:
    - counting the total years of active fostering by a family as of the end of the previous calendar year,

  - deducting any planned break from fostering of more than six continuous months, and
  - considering as eligible each family whose net total years of active fostering is a multiple of five,
- ordering plaques from the provincial AFPA, and
- providing Foster Care Certificates [FC3793].

AFPA Services

Review the AFPA website for additional information on the services and supports offered to foster parents, which include but are not limited to:

- training (partnering with the CFSAs and DFNAs to offer OCT and core training)
- annual foster parent recognition events
- assisting individual foster parents to resolve disputes with caseworkers or foster care workers
- a legal assistance fund for a foster parent who is the subject of a criminal investigation arising out of their duties as a foster parent
- a foster parent insurance rider to cover malicious damage caused to a foster parent's home or property by a foster child in their care
- the Foster Allegation Support Team which provides support to foster parents and their families when an allegation of abuse or neglect has been made against them

Related Information

3.3.7 Foster Parent Training

3.3.9 Dispute Resolution

Foster Care Certificate [FC3793]

AFPA Website

To report a broken link click here.

Section:	3.3 Supporting and Monitoring Foster Homes	Issue Date: October 1, 2011
Subsection:	**3.3.9 Dispute Resolution**	Revision Date: May 1, 2014
		Page 1 of 3

Policy

Foster parents need to be informed of their rights regarding administrative reviews and appeals (s.117.1 and 120).

Purpose

A number of informal and formal dispute resolution mechanisms have been established to support the Ministry's commitment to early resolution of issues that may arise during the course of delivering services under CYFEA.

A foster parent who disagrees with a decision of the director needs to be informed of the informal and formal dispute resolution mechanisms available to them. See 1.4.0 Overview (Enhancement Policy Manual – Intervention).

Procedures

Advise foster parents that they may engage in the following when in disagreement with a decision of the director:

- discussion of the matter with the casework supervisor,
- discussion of the matter with a manager, if the matter cannot be resolved with the casework supervisor, and
- discussion of the matter with the Child and Family Services Regional Director or DFNA Director if the matter cannot be resolved with a manager.

If a disagreement is not resolved to the satisfaction of the foster parent, or if the foster parent chooses not to engage in a dispute resolution process, the foster parent may proceed with the administrative review process.

Administrative Review Process

Advise the foster parent that:

- A review of the decision is conducted in person by an impartial team.

- All parties who have an interest in attending are present and heard from (the child, foster parents, siblings, caseworker).
- A review of paper submissions may be completed prior to the administrative review team meeting with the foster parent and the caseworker.
- The foster parent may have a support person of their choosing attend the meeting with them (e.g. AFPA representative, Foster Allegation Support Team representative).
- Children, who are developmentally able, may participate and may have a support person of their choosing in the room (e.g. an Advocate from the OCYA).
- The caseworker may have their supervisor attend the meeting with them.

For further information, see 1.4.1 Administrative Reviews (Enhancement Policy Manual – Intervention).

Appeals

A foster parent may appeal specific decisions of the director. A foster parent who has had continuous care of a child for more than six of twelve months preceding the decision of the director may appeal the following decisions of the director:

- the removal from, or placement in a foster home of a child who is the subject of a temporary guardianship order or a permanent guardianship agreement or order,
- terms or conditions imposed on a renewal of, but not on the original issuance of, a foster home licence,
- the refusal to renew a foster home licence,
- the variation, suspension, or cancellation of a foster home licence, or
- the terms of an order following an inspection of the foster home.

The appeal panel has the authority to confirm the decision under appeal, or refer the decision to the director for further consideration. The appeal panel does not have the authority to reverse decisions of the Administrative Review Team.

For further information, see 1.4.2 Appeals to the Appeal Panel (Enhancement Policy Manual – Intervention).

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

1.4.0 Overview (Enhancement Policy Manual – Intervention)

1.4.1 Administrative Reviews (Enhancement Policy Manual – Intervention)

1.4.2 Appeals to the Appeal Panel (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

To report a broken link click here.

Section:	**3.4 Child Care Arrangements**	Issue Date: October 1, 2011
Subsection:	**3.4.1 Child Care Arrangements Overview**	Revision Date: October 1, 2011
		Page 1 of 1

Overview

Foster parents may require resources to provide child care while they attend appointments, other responsibilities and to allow for breaks from the day-to-day demands of parenting.

Due to the unique needs of children in care, foster parents may also require access to additional child care resources, including those defined under the *Child Care Licensing Act* to support the child's needs or to maintain healthy relationships and prevent burnout.

Child care options fall along a spectrum, ranging from babysitting, relief care, respite care to alternate care providers. Each child care type is used for a different purpose and has distinct expectations for approval and reimbursement.

Procedures

Advise the foster parent to:

- provide the child's caseworker with information about the child care arrangements they make, and
- provide the child care provider they use with emergency contact information for themselves and the child's caseworker.

Related Information

3.4.2 Babysitting

3.4.3 Relief Care

3.4.4 Respite

3.4.5 Alternate Child Care

To report a broken link click *here.*

Policy

Foster parents may hire babysitters at their discretion for up to 12 hours on any one occasion.

Purpose

Babysitting is the care of a child for a short duration of time that does not involve overnight care. Babysitting most often occurs in the foster home.

Babysitting is utilized by foster parents when they are participating in business related to foster parenting such as training activities or attending meetings. Foster parents may also hire babysitters when responding to personal commitments as well as taking a short reprieve from the day-to-day demands of care giving/family life.

Procedures

Hiring a Babysitter

Inform the foster parent to consider the following when they hire a babysitter:

- the maturity, skill level and experience of the babysitter,
- the number, configuration and specific needs of the children in the home, and
- that they are able to be reached by the babysitter in the event of an emergency.

Compensation/Payment

Advise foster parents:

- If the babysitting need was related to mandatory foster parent training or other business related specifically to fostering, the foster parent will be reimbursed per the Foster Care Rate Schedule [FC1263].

- If the babysitting need was for another reason, the foster parent is to compensate their babysitter. Rates are negotiated and agreed upon by the foster parent and the babysitter.

Related Information

3.3.6 Financial Compensation

3.4.1 Child Care Arrangements Overview

Foster Care Rate Schedule [FC1263]

To report a broken link click here.

Section:	**3.4 Child Care Arrangements**	Issue Date: October 1, 2011
Subsection:	**3.4.3 Relief Care**	Revision Date: October 15, 2014
		Page 1 of 3

Policy

Relief care providers are chosen by the foster parent to care for children when they will be away for an extended period of time (e.g. overnight, a weekend, a week at a time). Relief care may occur in the foster parent's home or in the home of the relief care provider.

Preliminary safety checks must be completed on all relief care providers caring for children in the custody or under the guardianship of the director.

Purpose

A relief care provider takes on the primary care giving role while a foster parent is away for an extended period of time. Preliminary safety checks are required to ensure the safety of the children in the care of the director.

NOTE: Relief care is not a placement; a child must have an approved placement to return to following relief care.

Procedures

Prior to Using a Relief Care Provider

Advise foster parents to inform the child's caseworker and their foster care worker of their plan to utilize a relief care provider.

Inform the foster parent that they need to provide:

- the name, address and contact information of the relief care provider,
- the length of time and dates the child will be in relief care,
- the names of any other persons in the relief care provider's home,
- the relief care provider's consent to an intervention record check using the Intervention Record Check [CS2687], and
- any additional information requested by the caseworker.

Inform the foster parent that they are to provide the child's caseworker's contact information and their own contact information to the relief caregiver.

> NOTE: If the relief provider is a licensed foster parent, preliminary checks are not required.

Compensation/Payment

Advise the foster parent that:

- If the need for relief care is related to mandatory foster parent training or other business related specifically to fostering, the foster parent will be reimbursed per the Caregiver Rate Schedule [FC1263].
- If the need for relief is for another reason related to the foster parent (e.g. foster parent holiday), the foster parent is to compensate their relief provider. Rates are negotiated and agreed upon by the foster parent and relief provider.
- Relief may be built into a Foster Care Support Plan [FC3605] and paid or reimbursed through the support plan if there are exceptional circumstances of the foster home such as:
    - the home has child placements beyond the classification level,
    - personal illness,
    - sickness or death within the immediate family, or
    - no other suitable arrangements can be made for the children when the foster parent must be away from the home.

The arrangements and costs must be pre-approved by the caseworker according to the guidelines set by the CFSA/DFNA. If the foster parent's own child will also need the purchased care, the foster parent will pay that child's share of the cost.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.3.6 Financial Compensation

3.4.1 Child Care Arrangements Overview

Contact Notes [CS0072]
Caregiver Rate Schedule [FC1263]
Foster Care Support Plan [FC3605]
Intervention Record Check [CS2687] – paper form

To report a broken link click here.

Section:	**3.4 Child Care Arrangements**	Issue Date: October 1, 2011
Subsection:	**3.4.4 Respite**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

Respite is provided to foster parents caring for children with complex needs.

Respite **must** be provided out of the foster parent's home by licensed foster parents, licensed residential facilities or in programs defined under the *Child Care Act,* to ensure the appropriate level of skill, knowledge and ability to meet the needs of the child.

Purpose

Respite is intended to provide foster parents with a break from the complex behavioural, medical or physical needs of a child in their care as addressed in the Foster Care Support Plan [FC3605] and/ or to assist in meeting the child's needs.

Procedures

Need for Respite

Discuss respite with the caseworker and foster parent if the child's needs, or the exceptional circumstances of the foster parent, warrant the use of respite. Respite is paid for or reimbursed through a support plan.

Formalize respite provision with the caseworker and the foster parent and record in the Foster Care Support Plan [FC3605].

Inform the foster parent that they are to provide the caseworker's contact information to the caregiver for emergency use, in addition to the foster parent's contact information.

NOTE: Respite care is not a placement; a child must have an approved placement to return to following respite.

A foster family cannot provide respite while receiving respite.

A foster family with child placements beyond the classification level cannot provide respite to another foster home.

Compensation/Payment

Pay respite services per CFSA/DFNA procedures.

NOTE: The basic maintenance and skill fees of the foster parent are **not** to be used to pay for respite that is negotiated in a support plan.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

3.3.5 Foster Care Support Plan

3.4.1 Child Care Arrangements Overview

Child Care Licensing Act

Contact Notes [CS0072]

Foster Care Support Plan [FC3605]

To report a broken link click *here*.

Section:	**3.4 Child Care Arrangements**	Issue Date: October 1, 2011
Subsection:	**3.4.5 Alternate Child Care**	Revision Date: June 15, 2012
		Page 1 of 2

Policy

Alternate child care providers who provide care to children in the custody or under the guardianship of the director must be assessed, including alternate child care providers who:

- provide child care on a regular and ongoing basis,
- have unsupervised access to the child, and
- relate to the child in a parenting capacity.

NOTE: Alternate child care providers cannot be used until they have been assessed. This policy does not apply to licensed child care providers (e.g. day care, family day home etc) as defined under the *Child Care Licensing Act*.

Purpose

It is recognized that some foster parents work outside of the home or attend an educational facility and choose to use an alternate child care provider who assumes a parenting role in their absence.

Procedures

When a foster parent applicant or existing foster parent identifies that they plan to use an alternate child care provider, who was not evaluated as part of the foster parent's home study process, assess the alternate child care provider's suitability based on:

- a face to face interview,
- the results of a criminal record check, see 1.2 Criminal Record Check, and
- the results of an intervention record check, see 1.1 Intervention Record Check.

Inform the foster parent that child care arrangements are to be communicated to the caseworker and the caseworker's contact information is to be supplied to the caregiver for emergency use, in addition to the foster parent's contact information.

Compensation/Payment

Advise the foster parent that they are responsible for compensating their alternate child care provider using the skill fee. Rates are negotiated and agreed upon by the foster parent and alternate child care provider.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Related Information

1.1 Intervention Record Check

1.2 Criminal Record Check

3.3.6 Financial Compensation

3.4.1 Child Care Arrangements Overview

Contact Notes [CS0072]

Questionnaire 1 and 2 of the SAFE Home Study Process

To report a broken link click *here*.

Chapter 4: Child and Youth Facilities

Section:	**4.0 Child and Youth Facilities Overview**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 3

Overview

Definitions

Residential Facility Definition

Per s.105.1 of CYFEA, a residential facility is a facility that provides residential care to a child in the custody or guardianship of the director, or an authority responsible for the administration of child protection legislation in another province or territory of Canada, and:

- includes a:
  - secure services facility,
  - foster home,
  - group home, and
- **excludes** a facility that primarily provides:
  - medical care,
  - educational services, and
  - correctional services.

Also excluded are placement providers that provide kinship care, supported independent living, or independent living.

Child and Youth Facility Definition

Per s.1(1)(b) of RFLR, a child and youth facility is:

- any residential facility as defined in s.105.1 of CYFEA except a foster home.

Licensing

All child and youth facilities that meet the above definitions **must** be licensed in accordance with CYFEA, the RFLR, and policy prior to accepting children placed by the director, or by a child welfare authority of another jurisdiction in Canada.

Accreditation

All child and youth facilities accepting children placed by the director must have accreditation from one of the accreditation bodies recognized by Human Services.

Casework Responsibilities

Caseworkers determine the need and, with the casework supervisor's approval, make the request for a child and youth facility placement.

A child is eligible for placement in a child and youth facility **only** when:

- the child is under the custody or guardianship of the director,
- extended family and community resources cannot meet the child's placement needs, and
- other placement provider types and service alternatives have been considered and are not able to meet the needs of the child.

When determining the need for a child and youth facility, caseworkers consult with the child where appropriate and if applicable the:

- guardian,
- service team,
- current placement provider,
- new placement provider, and
- casework supervisor.

Caseworkers prepare the information package required by regional placement procedures for the child and youth facility placement.

Related Information

4.1 Expectations and Responsibilities of Child and Youth Facilities

4.2 Child and Youth Facility Regional Placement Procedures

5. Licensing

7.3.0 Placement Overview (Enhancement Policy Manual – Intervention)

7.3.1 Arranging a Placement (Enhancement Policy Manual – Intervention)

7.3.2 Placing a Child (Enhancement Policy Manual – Intervention)

7.3.3 Casework Responsibilities During Placement (Enhancement Policy Manual – Intervention)

7.3.4 Placement Disruptions (Enhancement Policy Manual – Intervention)

7.3.5 Maintaining a Child's Culture in Placements (Enhancement Policy Manual – Intervention

Residential Facilities Licensing Regulation

To report a broken link click here.

Section:	**4.1 Expectations and Responsibilities of Child and Youth Facilities**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 3

Policy

Child and youth facilities **must** comply with all requirements of CYFEA, the RFLR, Human Services policy and contract requirements.

Contract managers **must** ensure that child and youth facilities are aware of Human Services policy expectations.

Purpose

CYFEA and the RFLR provide a clear explanation of the expectations of a child and youth facility. The contract manager informs the director of a child and youth facility of any additional expectations and responsibilities outlined in Human Services policy to ensure that the needs, safety and well-being of children are met.

Procedures

Placement Related Expectations and Responsibilities

Ensure that each child and youth facility has a process to:

- review each referral to their program to assess a child's appropriateness for their program,
- when rejecting a referral, contact the caseworker and review the reasons for refusing a child to their program,
- admit children in the order referred unless otherwise directed by the regional placement procedure,
- arrange for an updated medical examination upon admission,
- make presentations in court, case conferences or other meetings as required,

- convene a case conference within a month of admission and every three months thereafter with the caseworker and other persons significant to the case plan to review the plan of care for the child, and
- develop discharge plans at the caseworker's request, in consultation with other significant persons involved in the case.

Facility Related Expectations and Responsibilities

Child and youth facilities **must** ensure that:

- All medical records about a child must be kept in a secure file accessible only to the facility director, the key worker and the facility medical staff.
- First aid information and supplies are readily available to staff and residents.
- All childcare staff must receive training on universal precautions within one week of starting work.
- Ongoing in-service training in universal precautions is available to staff.
- Each facility has written polices and procedures on universal precautions (measures taken by all staff and residents to control infections and minimize the transmission of infections) that are easy to access and understand. Policy and procedures must encompass:
    - Staff are clear that they must take universal precautions with all body fluids at all times.
    - Gloves must be worn when handling bodily fluids including blood, excretions, secretions, other bodily fluids and items soiled by these fluids.
    - The person must wash afterwards even after handling soiled items with gloves.
    - Body fluid spills must be cleaned up immediately using disposable towels and fresh bleach solution.
    - Items that have been soiled with body fluids are immediately placed in a plastic bag marked "Blood and Body Fluid Precautions".
    - Clothes and linens soiled with body fluids are laundered separately.
    - If a person's clothes are soiled by someone else's body fluid, that person must be given a change of clothes and the opportunity to wash.
    - Special procedures for a person significantly exposed to a resident's body fluid e.g. getting in the eye, mouth, open lesion or being punctured with a soiled item. Such exposures must be reported to the unit supervisor immediately and have the person referred for medical attention.

  - If a resident reports to a staff member that they have, or may have, an infection that requires universal precautions:
    - the staff must advise the resident that this information will be reported to the facility director,
    - the staff member reports to the facility director within 24 hours, and
    - the facility director discusses the issue with the caseworker.
  - Provide the child with all usual recreation, work, visits, washroom access, food services and activities as well as routine security and transportation.

Special Precautions

- Medical or behavioural problems that require special procedures include:
  - special precautions recommended by the physician because of the child's medical condition,
  - isolation of a child too ill to maintain good hygiene or whose behaviour is significantly altered by a central nervous system infection, and
  - special security, transportation, supervision or segregation of a child who exhibits high-risk behaviours such as physical or sexual assault.
- Ensuring residents do not share unsterilized objects that may be contaminated with bodily fluids e.g. razors or toothbrushes.
- Ensuring cleaning supplies are available to residents. Encourage residents to clean their own living areas. Provide appropriate supervision as required.
- Procedures to prevent drug use, tattooing and sexual activity in the facility.
- All Universal Precautions apply as well.

Related Information

4.0 Child and Youth Facilities Overview

4.2 Child and Youth Facility Regional Placement Procedures

5. Licensing

Residential Facilities Licensing Regulation

Chapter 4: Child and Youth Facilities

Section:	**4.2 Child and Youth Facility Regional Placement Procedures**	Issue Date: October 1, 2011
Subsection:		Revision Date: May 1, 2014
		Page 1 of 3

Policy

Each CFSA and DFNA **must** establish regional placement procedures to manage the placement of children into child and youth facilities in their region.

Children are eligible for child and youth facility placements only if:

- the child is under the custody or guardianship of the director,
- extended family and community resources cannot meet the child's placement needs,
- other placement provider types and service alternatives have been considered and are not able to meet the needs of the child, and
- the placement has been approved by regional placement procedures.

Purpose

Regional placement procedures ensure:

- children have access to the types of child and youth facilities that they require,
- coordinated access to child and youth facilities based on the child's level of need,
- a fair and effective process for reaching placement decisions,
- coordination of cross regional access to resources, and
- the development of quality child and youth facilities within a region.

Procedures

Regional Placement Procedure

The Child and Family Services Regional Director or DFNA Director or designate **must** establish regional placement procedures that:

- have the capacity to receive requests from caseworkers,
- requires the submission of a placement information package from the caseworker (with referral source and confidential third party information removed) that includes:
  - intake, safety assessment or ongoing assessment,
  - case planning information, including the concurrent or transition to independence plan, genogram and ecomap,
  - the face sheet, providing identifying information for the child,
  - a printout of the child's legal authorities,
  - supporting documents such as recent medical, psychological, educational and psychiatric reports, and
  - progress reports from previous placement providers,
- coordinates placements into child and youth facilities in the region,
- supports case planning for children requiring a child and youth facility placement,
- has the ability to examine placement requests and make placement decisions,
- prioritizes the needs of children by managing waitlists for access to child and youth facilities,
- conducts reviews of a child's placement in a child and youth facility and ensures that discharge criteria are in place,
- provides consultation and support to caseworkers in developing appropriate placement plans,
- has the capacity to deal with emergency placements,
- coordinates cross regional access to facility resources,
- supports the development of resources to respond to demonstrated needs,
- provides a method to address disputes regarding placement decisions, and
- monitors child and youth facility usage, providing reports on placement usage and related issues in the region.

NOTE: Regional placement procedures are mandatory for all child and youth facility placements. As determined by each region, regions may choose to use placement procedures similar in process to access supported independent living (SIL) and foster care placements.

Related Information

4.0 Child and Youth Facilities Overview

4.1 Expectations and Responsibilities of Child and Youth Facilities

7.3.0 Placement Overview (Enhancement Policy Manual – Intervention)

Residential Facilities Licensing Regulation

To report a broken link click here.

Chapter 5: Licensing

Section: **5.0 Licensing Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

All facilities that meet the definition of residential facility as per s.105.1 of the CYFEA must be licensed under the CYFEA prior to accepting children placed by the director, or by a child welfare authority of another jurisdiction in Canada.

Part 3 of CYFEA, the RFLR and Human Services policy ensure that children in the custody, or under the guardianship, of the director that are placed in a residential facility are provided for in a consistent manner, receive quality care and that providers are accountable for the care that they provide to children.

Purpose

The purpose of Part 3 of CYFEA, the RFLR and Human Services policy is to:

- establish parameters so that children in the custody or under the guardianship of the director receive quality and consistent care; and
- establish accountability mechanisms for providers who care for children in the custody of the director or under the guardianship of the director.

Procedures

Residential Facility Definition

Establish that the facility meets the definition of a residential facility pursuant to s.105.1 of CYFEA. A residential facility is a facility that provides residential care to a child in the custody or guardianship of the director, or an authority responsible for the administration of child protection legislation in another province or territory of Canada, and:

- **includes** a:
  - secure services facility,
  - foster home,
  - group home, and

- **excludes** a facility that primarily provides:
  - medical care,
  - educational services, and
  - correctional services.

Also excluded are placement providers that provide kinship care, supported independent living, or independent living.

S.105.2(1) of CYFEA provides that no person shall operate a facility that meets the definition of a residential facility unless the person holds an existing residential facility licence issued by a director under CYFEA.

Responsibility to License Facilities in a Region's Geographic Boundaries

Each CFSA or DFNA must license the facilities that are geographically located within their boundaries.

If a facility has a contract with a CFSA/DFNA other than the one in which the facility is located, the contracting region **must** provide a letter of support and supporting documentation for the facility to submit along with their application for a licence.

Coordination

Licensing requirements are intended to be coordinated with the contracting/ accreditation/certification process (for child and youth facilities) and approval/ annual review process for foster care providers.

Coordination must occur between the following roles:

- the licensing officer,
- the contract consultant,
- the foster care worker, and
- the child and youth facility staff.

NOTE: Per CFSA/DFNA implementation, these roles may be performed by the same or different individuals.

Licensing Period

Residential facility licences are issued for a maximum of one year.

A licence may be issued for a period less than one year.

Licences are Facility Based

Licences issued are facility based, thus:

- When a foster home moves, an environmental assessment of the new residence is required.
- Where an agency has several different facilities, each individual facility must be licensed.
- Where there are several facilities at one legal address, each individual facility must be licensed.
- Licences are not transferrable.

Related Information

1.4 Inter-Regional/DFNA

5.1.1 Initial Foster Home Licence

5.1.2 Renewal of a Foster Home Licence

5.2.1 Initial Child and Youth Facility Licence

5.2.2 Renewal of a Child and Youth Facility Licence

5.4.1 Placing Conditions on a Licence

5.4.2 Varying, Suspending or Cancelling a Licence

To report a broken link click here.

Section:	**5.1 Licensing a Foster Care Provider**	Issue Date: October 1, 2011
Subsection:	**5.1.1 Initial Foster Home Licence**	Revision Date: May 1, 2014
		Page 1 of 4

Policy

A foster care provider **must be licensed** under *CYFEA* in order to provide care to a child in the custody or under the guardianship of the director.

A thorough review of the required documentation **must** occur prior to issuing a licence to ensure that the applicant is compliant with *CYFEA*, RFLR and HS policy.

Purpose

Foster care applicants must apply for an initial licence and then renew their licence annually to care for children in the director's care. This process helps to establish an optimal living environment for children and helps to ensure that the:

- foster care applicants are suitable to operate a foster home,
- environment supports the health, safety and well-being of children, and
- foster care applicants have complied with *CYFEA*, RFLR and terms or conditions that are imposed by the director.

Procedures

Required Documentation

Pursuant to s.3(2) of the RFLR, an application for an initial licence by a foster parent must be accompanied by the following documentation:

- The results of a criminal record check and vulnerable sector search for each applicant, and any other adult who resides with the applicant, current within six months of the date of the Residential Facility Licence Application/Application Renewal [FC3529],
  - If a criminal record exists, an evaluation of the record as described in 1.2 Criminal Record Check.

- The results of an Intervention Record Check [CS2687] from each applicant, and any other adult residing with the applicant.
  - If documentation exists, an evaluation of the information as described in 1.1 Intervention Record Check.
- A medical reference report from a physician or registered nurse regarding the general physical and mental health of the applicant.
- Three personal references that have known the applicant for three or more years, one being a relative.

Each CFSA and DFNA must establish a process that supports coordinating the applicants' application for a residential facilities licence with the receipt of the above information.

> **NOTE:** If the applicant has completed the required documentation with an agency, the agency can facilitate the applicant's application for a residential facilities licence by providing this information and all other required documentation to the licensing officer.

Other Required Documentation

The following documentation is also required per s.4 of the RFLR:

- A home study report that meets regulated requirements.
- Confirmation of completion of the Orientation to Caregiver Training.
- A health inspection report of any home that will be licensed for four or more children.
- A valid first aid certificate (or evidence that one will be obtained within six months of receiving a placement).
- Confirmation of general liability insurance for the residence (homeowners insurance or tenant insurance).

Issuing a Foster Home Licence

- Review the Residential Facility Licence Application/Application Renewal [FC3529] and the required documentation to ensure compliance with *CYFEA*, RFLR and HS policy.
- Conduct a site visit and complete an Environmental Safety Assessment for Caregivers [FC3606] to establish that the environment is conducive to the health, safety and well-being of children.
- Assign a specific number of child placements on the foster home licence according to 3.3.2 Number of Child Placements.

- Make a Recommendation in the Licensing Recommendation Report [FC3900], ensuring s.5 of RFLR, to:
    - approve the licence,
    - approve the licence with conditions identifying:
        - the conditions,
        - what must occur to meet the conditions, and
        - the timelines, or
    - refuse the licence.
- Forward the recommendation to the casework supervisor or regional designate for signed approval of the recommendation.

If a recommendation to **refuse an initial licence** is approved by a casework supervisor or regional designate:

- Clearly document on Contact Notes [CS0072] and/or in the electronic information system the decision and the reasons for the decision.
- Provide the applicant with information regarding the reason for the decision and advise them of their right to an Administrative Review per s.117.1(1)(g) and
- Advise the agency, CFSA/DFNA if applicable.

NOTE: An applicant does not have the right to Appeal the decision to refuse an initial licence.

Recording

- Record all consultations and decisions on contact notes [CS0072] and/ or in the electronic information system.
- File authority foster care provider information on the foster care file.
- File agency foster care provider information on the licensing file.
- Clearly record in the electronic information system where the physical licensing information is kept.

Related Information

1.1 Intervention Record Check

1.2 Criminal Record Check

1.3 Home Study Report

3.3.1 Classifying Foster Homes

3.3.2 Number of Child Placements
5.0 Licensing Overview
5.3 Environmental Safety and Site Visit
1.4.0 Overview (Enhancement Policy Manual – Intervention)
1.4.1 Administrative Reviews (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]
Environmental Safety Assessment for Caregivers [FC3606]
Intervention Record Check [CS2687] – paper form
Licensing Recommendation Report [FC3900]
Residential Facility Licence Application/Application Renewal [FC3529]

To report a broken link click here.

Policy

Notify a licensed foster care provider **at least 60 days prior to the expiry of the licence** that they must renew their licence in order to continue to provide care to a child in the custody or under the guardianship of the director.

Purpose

Foster care providers must apply to renew their licence prior to the expiry of the existing licence. This process helps to establish an optimal living environment for children and helps to ensure that the:

- foster care providers are suitable to continue to operate a foster home,
- environment supports the health, safety and well-being of children, and
- foster care provider has complied with CYFEA, RFLR and any terms or conditions that are imposed by the director.

Procedures

Advising Foster Care Providers of Licence Renewal Requirements

Provide written notification to the foster care provider. Include a Residential Facility Licence Application/Application Renewal form [FC3529] and identify the supporting documentation required for renewal.

Documentation Required

An application for the renewal of a foster home licence **must** be accompanied by the following:

- the completed Foster Care Annual Assessment [FC0172] that reflects that the foster care provider has complied with on-going requirements and the foster care worker supports the continued placement of children in the home,

- the results of a new criminal record check and vulnerable sector search for each applicant, and any other adult who resides with the applicant, if the most recent criminal record check was carried out more than three years prior to the date of the application,
  - If a criminal record exists, an evaluation the record as described in 1.1 Criminal Record Check.

NOTE: If the applicant fosters for an agency, the agency can facilitate the applicants' renewal application for a residential facilities licence by providing the supporting documentation to the licensing officer.

Issuing a Renewal of a Foster Home Licence

- Review the Residential Facility Licence Application/Application Renewal [FC3529] and the required documentation to ensure compliance with CYFEA, RFLR and policy.
- Consult with the foster care worker, agency director and/or contract consultant regarding any questions or concerns.
- Conduct a site visit and complete a Environmental Safety Assessment for Caregivers [FC3606] to establish that the environment is conducive to the health, safety and well-being of children.
- Assign a specific number of child placements on the foster home licence according to 3.3.2 Number of Child Placements.
- Make a Recommendation in the Licensing Recommendation Report [FC3900], ensuring s.5 of RFLR, to:
  - approve the renewal of the licence,
  - approve the renewal of the licence with conditions identifying:
    - the conditions,
    - what must occur to meet the conditions, and
    - the timelines, or
  - refuse the renewal of the licence.
- Forward the recommendation to the casework supervisor or regional designate for signed approval of the recommendation.

If a recommendation to **renew a licence** is approved by the casework supervisor or regional designate:

- record the licence and any conditions in the electronic information system, and

- print the licence from the electronic information system for signature by the casework supervisor or regional designate and:
  - mail to the applicant,
  - mail a copy to the agency, if applicable, and
  - place a copy on the licensing file.

Circumstances Under Which a Renewal may be Refused

An application to renew a licence may be refused when one or more of the following circumstances exist:

- a history of non-compliance with CYFEA, RFLR or Human Services policy,
- incomplete or non-submission of a renewal application,
- the foster care provider has failed to comply with a conditional licence, or
- failure to comply with an Order After Inspection.

If the **recommendation to refuse** a license renewal is approved by the casework supervisor or regional designate:

- Clearly document on Contact Notes [CS0072] and/or in the electronic information system the decision and reasons for the decision.
- The casework supervisor or regional designate advises the manager of the decision to not renew a licence.
- The manager discusses the decision to not renew a licence with the Child and Family Services Regional Director/DFNA Director or designate and the Social Enhancement Legal Team per CFSA/DFNA process.
- With the approval of the Child and Family Services Regional Director/DFNA Director or designate to not renew the licence, prepare a letter to the applicant indicating that the application to renew the licence was not approved.
  - Include in the letter to the applicant the reasons for refusing to renew the licence and inform the applicant of their right to appeal per s.120(2)(a.2) and s.120(2)(a.4) of CYFEA. (see 1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention))
  - Consult with the Social Enhancement Legal Team regarding the wording of the letter, if needed.
  - Mail the letter to applicant/license holder by registered mail or personally deliver the letter at a meeting.

NOTE: CYFEA does not require that the applicant receive prior notice of the refusal to renew a licence. However, as a general rule, provide 30 days notice whenever possible.

Upon making a decision to **refuse to renew a licence and discontinue the use of a placement**, coordinate with the foster care worker agency director and contract consultant for agency homes.

- Ensure that a plan is in place to **immediately** notify all of the caseworkers who have children in the placement so alternative placement arrangements can be made prior to the expiry of the licence.
- Establish a safety plan that can be implemented to ensure the safety of the children in the placement until they are moved.
- Update the electronic information system.

Recording

- Complete all necessary electronic information system entries upon renewing or refusing to renew a licence.
- Record all consultations and decisions on Contact Notes [CS0072] or in the electronic information system.
- File authority foster home provider information on the foster care file.
- File agency foster home provider information on the licensing file.
- Record in the electronic information system where the physical licensing information is kept.

Related Information

1.1 Intervention Record Check

1.2 Criminal Record Check

3.3.1 Classifying Foster Homes

3.3.2 Number of Child Placements

5.0 Licensing Overview

5.3. Environmental Safety and Site Visit

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Foster Care Annual Assessment [FC0172]

Licensing Recommendation Report [FC3900]

Residential Facility Licence Application/Application Renewal [FC3529]

To report a broken link click here.

Section:	**5.1 Licensing a Foster Care Provider**	Issue Date: October 1, 2011
Subsection:	**5.1.3 Determining the Number of Child Placements on a Licence**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

The number of children that may reside in a foster home placement **must** be identified on the residential facility's licence and **must** comply with the RFLR and policy requirements for foster care providers.

Purpose

In order to effectively meet the needs of children in care, the number of children placed with a foster care provider should be consistent with the foster care provider's training and skill level.

Procedures

Assigning the Number of Child Placements in a Foster Placement

Review supporting documentation to determine the classification assigned to a foster care provider.

Consider the classification level and the corresponding number of child placements recommended by the foster care worker and supported by the home study report and/or annual evaluation

Accordingly, assign the number of child placements on the licence as follows:

- Level 1: up to two placements.
- Level 2: up to four placements.

Pursuant to s.6(a)(b) of RFLR, the number on the licence **includes** children placed by a child welfare authority outside of Alberta.

The number on the licence does **not include** foster children placed in the placement on a temporary basis for respite purposes.

Requests for Additional Placements

When a request is made to assign additional child placements beyond the classification level of the foster care provider:

- establish that the approval to do so is consistent with 3.3.2 Number of Child Placements,
- ensure that manager approval has been obtained,
- request a health inspection report when the home is being licensed for more than four children, and
- recommend the issuance of the licence per policy.

Ensure that a license reflecting the number of children to be placed is issued as soon as possible either prior to the placement of children or on the next working day.

Related Information

3.3.2 Number of Child Placements
5.0 Licensing Overview
5.1.1 Initial Foster Home Licence
5.1.2 Renewal of a Foster Home Licence
5.3 Environmental Safety and Site Visit
5.4.2 Varying, Suspending or Cancelling a Licence

To report a broken link click *here*.

Section:	5.2 Licensing a Child and Youth Facility	Issue Date: October 1, 2011
Subsection:	5.2.1 Initial Child and Youth Facility Licence	Revision Date: May 1, 2014
		Page 1 of 4

Policy

A child and youth facility that meets the definition of residential facility as per s.105 of the CYFEA **must be licensed** under *CYFEA* in order to provide care to a child in the custody or under the guardianship of the director.

A thorough review of the application and required documentation **must** occur prior to issuing a licence to ensure that the applicant is compliant with the RFLR, *CYFEA* and HS policy.

Purpose

Child and youth facility providers must apply for an initial licence and then renew their licence annually to continue to care for children in the director's care. This process helps to establish an optimal living environment for children and ensures that the:

- provider and the staff are suitable to operate a child and youth facility,
- environment supports the health, safety and well-being of children,
- premises provide the children with adequate space for activities of normal daily living, and
- child and youth facility provider has complied with *CYFEA*, RFLR and any terms or conditions imposed by the director.

Procedures

Required Documentation

Pursuant to s.13(2) and 14 of the RFLR, an application for an initial licence must be accompanied by the following documentation:

- The results of a criminal record check and vulnerable sector search for each applicant, current within six months of the date of the Residential

Facility Licence Application/Application Renewal [FC3529]. For the purpose of this requirement, "applicant" means the:

  - applicant, if the applicant is an individual,
  - partners, if the applicant is a partnership, and
  - chief executive officer, if the applicant is a corporation.

- If a criminal record exists, an evaluation of the record as described in 1.2 Criminal Record Check.
- If the applicant is an individual, a signed Intervention Record Check [CS2687]. This provides written consent, authorizing the director to obtain information from all jurisdictions the applicant has resided in during the five years preceding the application to determine if the individual has caused a child to be in need of intervention.
  - If documentation exists, an evaluation of the information as described in 1.1 Intervention Record Check.
- If the applicant is an individual, references from three individuals concerning the ability of the applicant to operate a child and youth facility.
- A list of contract and staff positions, job descriptions, qualifications and experience required for each position.
- A written description of the proposed program and procedures addressing s.13(2)(e)(i-xvi) of RFLR.
- Evidence of the applicant's partnership or corporate status if applicable (s.14(a) of RFLR).
- Evidence that the facility is in compliance with applicable zoning, health and safety legislation (s.14(b) of RFLR), including a health inspection report for any child and youth facility that will be licensed for four or more children.

Other Documentation Required

The following documentation is also required per s.13(2)(f):

- Evidence that the child and youth facility is accredited or in the process of being accredited by one of the following Ministry approved accrediting bodies:
  - Canadian Accreditation Council (CAC),
  - Council on Accreditation (COA), or
  - Commission on Accreditation of Rehabilitation Facilities (CARF).

NOTE: Each CFSA and DFNA must establish a process that coordinates the licensing application process for a child and youth facility with the contracting process with the residential facility.

Issuing an Initial Child and Youth Facility Licence

- Review the Residential Facility Licence Application/Application Renewal [FC3529] and the supporting documentation to ensure compliance with *CYFEA*, RFLR, and HS policy.
- Conduct a site visit and complete an Environmental Safety Assessment for Caregivers [FC3606] to establish that the environment is conducive to the health, safety and well-being of children.
- Assign a number of child placements to the facility, taking into consideration the contractual agreement, zoning, health and safety reports.

NOTE: The number of children who may reside in a licensed child and youth facility includes all of the children who are placed in the facility by another agency or authority. These children may or may not be children in the custody or guardianship of the director.

- Make a recommendation in the Licensing Recommendation Report [FC3900], ensuring s.15 of RFLR, to:
  - approve the licence,
  - approve the licence with conditions identifying:
    - the conditions,
    - what must occur to meet the conditions, and
    - the timelines, or
  - refuse the licence.
- Forward the recommendation to the casework supervisor or regional designate for signed approval of the recommendation.

If a recommendation to issue a licence is approved by the casework supervisor or regional designate:

- record the licence and any conditions in the electronic information system and:
  - print the licence from the electronic information system for signature by the casework supervisor or regional designate, and:
  - mail to the applicant,
  - mail a copy to the agency, CFSA/DFNA if applicable, and
  - place a copy on the licensing file.

If a recommendation is to refuse a licence is approved by a casework supervisor or regional designate:

- clearly document on Contact Notes [CS0072] and/or in the electronic information system the decision and the reasons for the decision, and
- advise the:
  - CFSA/DFNA or agency of the decision and the reasons for the decision,
  - applicant of the decision and the reasons for the decision, and
  - inform the applicant of their right to an Administrative Review per s.117.1(1)(g).

NOTE: An applicant cannot appeal, to the Appeal Panel, the decision to refuse an initial licence.

- Update the electronic information system.

Related Information

1.1 Intervention Record Check

1.2 Criminal Record Check

5.0 Licensing Overview

5.3. Environmental Safety and Site Visit

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Intervention Record Check [CS2687] – paper form

Licensing Recommendation Report [FC3900]

Residential Facility Licence Application/Application Renewal [FC3529]

To report a broken link click here.

Section:	**5.2 Licensing a Child and Youth Facility**	Issue Date:	October 1, 2011
Subsection:	**5.2.2 Renewal of a Child and Youth Facility Licence**	Revision Date:	May 1, 2014
			Page 1 of 4

Policy

Notify a licensed child and youth facility **at least 60 days prior to the expiry of the licence that they must renew their licence** in order to continue to provide care to a child in the custody or under the guardianship of the director.

Purpose

Child and youth facility providers must apply to renew their licence prior to the expiry of the existing licence. This process helps to establish an optimal living environment for children and helps to ensure that the:

- child and youth facility provider and individuals associated with operating the facility are suitable to continue to operate a child and youth facility,
- environment supports the health, safety and well-being of children,
- premises provide the children with adequate space for activities of normal daily living, and
- child and youth facility provider has complied with CYFEA, RFLR and any terms or conditions that are imposed by the director.

Procedures

Advising Child and Youth Care Facility Providers of Licence Renewal Requirements

Provide written notification to the license holder. Include a Residential Facility Licence Application/Application Renewal form [FC3529] and identify any supporting documentation required for renewal.

Documentation Required

Per s.13(3)(a)(b) of the RFLR, an application for a renewal licence must be accompanied by a statement of changes of information that was last provided by the applicant.

Issuing a Renewal of a Child and Youth Facility Licence

- Review the Residential Facility Licence Application/Application Renewal [FC3529] and the required documentation to ensure compliance with CYFEA, RFLR and policy.
- Consult with the contract consultant regarding any questions or concerns.
- Conduct a site visit and complete an Environmental Safety Assessment for Caregivers [FC3606] to establish that the environment is conducive to the health, safety and well-being of children.
- Review the child and youth facility provider's facility file. Pay attention to:
  - the history of Assessment of Care Concerns Involving a Placement Provider, outcomes and completion of recommendations,
  - the history of inspection site visits,
  - the history of conditions, non-compliance concerns and the history of enforcement actions,
  - other information that may be available through the licensing or contracting process.
- Assign the number of child placements to the facility paying particular attention to the terms of the contract and health inspections.

NOTE: The number of children who may reside in a licensed child and youth facility includes all of the children who are placed in the facility by another agency or authority. These children may or may not be children in the custody or guardianship of the director.

- Recommend in the Licensing Recommendation Report [FC3900] to:
  - approve the renewal of the licence,
  - approve the renewal of the licence with conditions, identifying:
    - the conditions,
    - what must occur to meet the condition, and
    - the timelines, or
  - refuse the licence.
- Forward the recommendation to the casework supervisor or regional designate for signed approval of the recommendation.

If the **recommendation to renew** a licence is approved by the casework supervisor or regional designate:

- record the licence renewal and any conditions in the electronic information system,

- print the licence from the electronic information system, and:
- mail the licence to the applicant,
- mail a copy to the agency if applicable, and
- place a copy on the licensing file.

Circumstances Under Which a Renewal may be Refused

An application to renew a licence may be refused when one or more of the following circumstances exist:

- a history of non-compliance with CYFEA, RFLR or Human Services policy,
- incomplete or non-submission of a renewal application,
- failure to comply with a conditional licence, or
- failure to comply with an Order After Inspection.

If the **recommendation to refuse** a license renewal is approved by the casework supervisor or regional designate:

- Clearly document on Contact Notes [CS0072] and/or in the electronic information system the decision and reasons for the decision.
- The casework supervisor or regional designate advises the manager of the decision to not renew a licence.
- The manager discusses the decision to not renew a licence with the Child and Family Services Regional Director/DFNA Director or designate and the Social Enhancement Legal Team per CFSA/DFNA process.
- With the approval of the Child and Family Services Regional Director/DFNA Director or designate to not renew the licence, prepare a letter to the applicant indicating that the application to renew the licence was not approved.
  - Include in the letter to the applicant the reasons for the refusal to renew the licence and inform the applicant of their right to appeal per s.120(2)(a.2) and s.120(2)(a.4) of CYFEA. (see 1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention))
  - Consult with the Social Enhancement Legal Team regarding the wording of the letter if needed.
  - Mail the letter to the applicant/license holder by registered mail or personally deliver the letter at a meeting.

NOTE: CYFEA does not require that the applicant receive prior notice of the refusal to renew a licence however, as a general rule, provide 30 days notice whenever possible.

- Upon making a decision, coordinate with the contract consultant.
- Ensure that a plan is in place to **immediately** notify all of the caseworkers who have children in the placement so alternative placement arrangements can be made prior to the expiry of the licence.
- Establish a safety plan that can be implemented to ensure the safety of the children in the placement until they are moved.
- Update the electronic information system.

Recording

- Complete all necessary electronic information system entries upon issuing, renewing or refusing to renew a licence.
- Record all consultations and decisions on Contact Notes [CS0072] or in the electronic information system.
- File agency child and youth facility provider information on the licensing file.
- Record in the electronic information system where the physical licensing information is kept.

Related Information

3.3.2 Number of Child Placements

5.0 Licensing Overview

5.3. Environmental Safety and Site Visit

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Licensing Recommendation Report [FC3900]

Residential Facility Licence Application/Application Renewal [FC3529]

To report a broken link click here.

Section:	**5.3 Environmental Safety and Site Visit**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 2

Policy

Prior to issuing or renewing a residential facilities licence for a foster home or a child and youth facility, the licensing officer **must** conduct a site visit and complete the Environmental Safety Assessment for Caregivers.

Purpose

The director may issue or renew a residential facility licence only if the director is satisfied that the environment of the residential facility is conducive to the health, safety and well-being of children. A physical inspection of the site is required to assist in making this determination.

Procedures

Completing a Site Visit

Arrange to conduct a site visit with the applicant/provider prior to issuing an initial licence or the renewal of a licence. During the site visit:

- confirm who is residing in the foster home or child and youth facility,
- confirm the number of children in care currently being cared for,
- tour the foster home or child and youth facility to establish compliance to the Environmental Safety Assessment for Caregivers [FC3606],
- discuss all safety aspects on the assessment form to establish that the applicant/provider has an understanding of their obligation to meet health and safety requirements,
- advise the applicant/provider that they may be required to provide evidence that the foster home or child and youth facility is in compliance with applicable zoning, health and safety legislation,
- support the applicant/provider in scheduling a public health inspection when they are applying for a license for four or more children, and

- advise the applicant/provider that
  - the frequency of ongoing public health inspections will be determined by the health authority, or may be initiated by the licensing officer if the circumstances of the home change, and
  - in exceptional circumstances the licensing officer may refer the applicant for a public health inspection even if the applicant/provider is being licensed to care for fewer than four children or youth, for instance when there is a health concern.

When applicable review all zoning, health and safety legislation reports to ensure the facilities compliance to any recommendations.

The CFSAs and DFNAs should maintain information or coordinate with their municipalities to ensure access to information about local jurisdiction requirements and direct applicants to the local jurisdiction for approvals, if required.

First Nations communities on Reserves fall under federal jurisdiction. As such, municipal bylaws (land use and zoning), safety codes (building codes and fire prevention) and the *Public Health Act* do not apply to First Nations communities. Residential facilities on reserve must provide verification of compliance with applicable building code and fire prevention regulations.

Recording

All discussions with the applicant/provider must be recorded on Contact Notes [CS0072] or in the electronic information system.

Related Information

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Public Health Act

Safety Codes Act

To report a broken link click *here*.

Section:	**5.4 Licence Status for Foster Homes or Child and Youth Facilities**	Issue Date: October 1, 2011
Subsection:	**5.4.1 Placing Conditions on a Licence**	Revision Date: October 1, 2011

Policy

Conditions may be placed upon an initial licence or a renewal of a licence.

Purpose

CYFEA and the RFLR outline the requirements that **must** be met prior to issuing or renewing a licence. The RFLR outlines requirements that **may** be required, therefore providing some flexibility to issue a licence with conditions that address the unique circumstances of an applicant, while still ensuring the safety needs of children placed.

Procedures

Issuing a Licence with Conditions

Prior to issuing a licence with conditions:

- discuss with the applicant/provider the requirement that must be met and establish what the circumstances are,
- determine that the nature of the non-compliance is such that it is reasonable for the applicant/provider to comply with the condition within 90 days,
- determine that the applicant/provider is willing and able to comply with the conditions,
- collaborate with the foster care worker/contract consultant responsible for the applicant/provider to establish the plan to meet the conditions imposed,
- identify the conditions that will appear on the licence and the timeframe that the conditions must be met within on the Licensing Recommendation Report [FC3900], and
- forward the recommendation to place conditions on the licence to the casework supervisor or regional designate per CFSA/DFNA process.

If the casework supervisor or regional designate approves the recommendation to approve the licence with conditions, issue a licence per policy.

NOTE: The placement provider may provide care during the time period for conditions to be met.

Per s.120(2)(a.1) of CYFEA, advise the applicant of their right to appeal the terms and conditions placed on a renewal of an existing license.

Recording

Record all consultations, decisions and rationale for decisions on Contact Notes [CS0072] or in the electronic information system, as appropriate.

Complete all applicable entries in the electronic information system, ensuring that the licence conditions and time lines for meeting the conditions are entered.

Related Information

5.0 Licensing Overview
5.1.1 Initial Foster Home Licence
5.1.2 Renewal of a Foster Home Licence
5.2.1 Initial Child and Youth Facility Licence
5.2.2 Renewal of a Child and Youth Facility Licence
1.4. Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]
Licensing Recommendation Report [FC3900]

To report a broken link click *here*.

Chapter 5: Licensing

Section:	**5.4 Licence Status for Foster Homes or Child and Youth Facilities**	Issue Date: October 1, 2011
Subsection:	**5.4.2 Varying, Suspending or Cancelling a Licence**	Revision Date: May 1, 2014
		Page 1 of 7

Policy

A licence may be varied, suspended or cancelled when a license holder does not meet the requirements of CYFEA or RFLR.

Purpose

CYFEA and the RFLR outline the requirements of a license holder. Several actions, including varying, suspending or cancelling a licence, may be taken to address issues that may arise and/or the non-compliance of a license holder.

Procedures

Vary, suspend or cancel a license holder's licence per s.105.7(1) when:

- proper care is not being provided to a child in the license holder's residential facility,
- the licensed premises become unfit or unsuitable for a residential facility,
- a residential facility license holder has not complied with:
  - CYFEA, RFLR or a condition of the residential facility licence,
  - an order made under s.105.6 of CYFEA, or
  - any other enactment that applies to a residential facility.

Determining Whether to Vary a Licence

Consider varying a licence and placing conditions, if applicable, provided that the variance, or condition that must be met, does not place a child at risk. To add conditions to the licence, refer to 5.4.1 Placing Conditions on a Licence.

Varying a Licence in an Emergency Situation

If the residential facility has not provided proper notification of a move due to an emergency situation, recommend varying the licence by changing the location of the facility, and:

- consult with the foster care worker, agency support worker and/or the contract consultant to ensure they are aware of the change of location of the facility,
- conduct a site visit as soon as possible and complete an Environmental Safety Assessment for Caregivers [FC3606], and
- ensure compliance with health and safety requirements.

License Holder Requests a Variance to Their Licence

Per s.105.31 of CYFEA, a license holder may request that the terms or conditions of their licence be varied. If a request is made,

- consult with the foster care worker, agency support worker and/or the contract consultant to establish that they support the request,
- ask the license holder to submit the request in writing,
- consult with the casework supervisor or regional designate and obtain any necessary approvals,
- record the consultation and outcome on Contact Notes [CS0072] or in the electronic information system,
- inform the license holder of the outcome of their request, and
- issue a revised licence for the existing licence period where changes are approved.

Determining Whether to Suspend or Cancel a Licence

When considering a licence suspension or cancellation:

- complete a site visit per CFSA/DFNA process,
- conduct a file review of the facility that includes reviewing:
    - the history of inspection site visits,
    - the history of conditions and non-compliance concerns,
    - the history of enforcement actions,
    - evidence of management, administration or other issues which contribute to or indicate the license holder's inability or unwillingness to provide proper care and maintain adequate premises,

  - consultations with the foster care worker, contract consultant, agency director, and
  - any other information that may be available through the licensing or contracting process.

Suspend a licence when:

- other measures have failed (e.g. Order After Inspection, licence with conditions),
- the facility cannot continue to operate without risk to the children in its care,
- there is evidence the license holder is willing and able to comply, and/or
- non-compliances can be corrected during the suspension period which is a **maximum of 90 days**.

NOTE: The license holder cannot provide care to children in the custody or guardianship of the director when a licence has been suspended.

Cancel a licence when:

- other measures have failed (e.g. Order After Inspection, conditional licence) or,
- the facility cannot continue to operate without risk to the children in its care, or
- there is evidence the license holder is unable or unwilling to comply.

Varying, Suspending or Cancelling a Licence

- Complete the Licensing Recommendation Report [FC3900] and ensure s.5 and s.15 of RFLR are met. Recommend that the licence be:
  - varied,
  - varied with conditions identifying:
    - the conditions,
    - what must occur to meet the conditions, and
    - the timelines,
  - suspended, or
  - cancelled.
- Consult with the foster care worker and/or the contract consultant as soon as it becomes apparent that there may be a need to vary, suspend or cancel a licence.

- Forward the recommendation to the casework supervisor or regional designate for approval of the recommendation.
- The casework supervisor or regional designate reviews all documentation and the licensing recommendation report to determine whether to vary, suspend or cancel a licence.
- If the casework supervisor or regional designate approves the recommendation to vary, suspend or cancel a licence:
  - Clearly document on Contact Notes [CS0072] and/or in the electronic information system the decision and reasons for the decision.
  - The casework supervisor or regional designate advises the manager of the decision to vary, suspend or cancel a licence.
  - The manager discusses the decision with the Child and Family Services Regional Director/DFNA Director or designate and the Social Enhancement Legal Team per CFSA/DFNA process.
- Prepare a letter to the applicant/licence holder, with the approval of the Child and Family Services Regional Director/DFNA Director or designate, informing them of the decision to vary, suspend or cancel the licence.
  - Include in the letter the reasons for the decision to vary, suspend or cancel the licence and inform them of their right to appeal per s.120(2)(a.4) of CYFEA. (Refer to 1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention))
  - Consult with the Social Enhancement Legal Team regarding the wording of the letter if needed.
  - Mail the letter to the applicant/license holder by registered mail or personally deliver the letter at a meeting.
- Upon approval of the decision to cancel a licence and discontinue use of a placement:
  - Coordinate with the foster care worker and/or contract consultant to:
    - immediately notify all of the caseworkers who have children in the placement so alternative placement arrangements can be made for those children, and
    - establish and implement a safety plan to ensure the safety of the children in the placement until they are moved.
  - The contract consultant terminates the contract to provide residential facility services.
  - The foster care worker closes the foster home.
- Complete all electronic information system entries.

Compliance During the Licence Suspension or Variance Period

- Schedule meetings with the license holder, foster care worker and/or contract consultant to monitor compliance to CYFEA, the RFLR and Human Services policy.
- Inspect the facility on the scheduled date(s) or unannounced to monitor ongoing compliance during the suspension period.
- Complete all necessary electronic information system entries.

Facility is Compliant

If the facility is in compliance before the end of the suspension period or term in which the conditions need to be met, notify and make the recommendation to the casework supervisor or designated delegate and obtain written authorization to remove the suspension.

Enter the required information into the electronic information system.

Facility is Not Compliant

If the facility does not comply by the end of the time period, discuss with the casework supervisor or designated delegate and any other necessary parties to determine and recommend further action including cancellation of the licence.

NOTE: Contract payments do not continue once the licence status is changed in the electronic information system to suspended or cancelled.

Inspections

For the purpose of ensuring compliance with CYFEA, RFLR and any conditions on the licence, per s.105.5(1) of CYFEA, the director may:

- enter a residential facility, other than a private dwelling, at any reasonable hour and inspect it,
- enter a residential facility that is a private dwelling and inspect it with the consent of the owner or operator of the dwelling,
- require the production of any books, records or other documents and examine, make copies of or temporarily remove them to make copies,
- inspect and take samples of any material, food, medication or equipment being used in a residential facility, and
- perform tests, take photographs or make recordings in respect of a residential facility.

Upon removing any books, records or other documents per s.105.5(2) of CYFEA:

- provide a receipt for the items to the person from whom those items were taken, and
- with out delay, make copies, take photographs of or otherwise record those items and immediately return those items to the person to whom the receipt was given.

Upon taking samples of any material, food, medication or equipment, per s.105.5(3) of CYFEA:

- provide a receipt for the items to the person from whom those items were taken, and
- upon that person's request, once they are no longer necessary, return those items to the person whose items were taken.

Applying for a Court Order to Enter

If entry is refused, consult with the Social Enhancement Legal Team regarding an application to the Court of Queen's Bench for an order per s.105.5(4) of CYFEA that:

- allows the director to enter the residential facility and inspect it at any reasonable hour,
- requires the production of any books, records or other documents to examine, make copies of or temporarily remove them to make copies,
- allows the director to inspect and take samples of any material, food, medication or equipment being used in the residential facility, and
- allows the director to perform tests, take photographs or make recordings in respect of the residential facility.

Order After Inspection

After a residential facility has been inspected under s.105.5 of CYFEA, the director may order the person operating the facility in writing to take measures specified in the order within the time limits specified in the order per s.105.6 of CYFEA if a:

- residential facility is not complying with CYFEA, the RFLR or the conditions of a residential facility licence, or
- residential facility is not providing proper care.

Contact the Social Enhancement Legal Team for assistance with applying this section of the act.

Recording

Record all consultations, decisions and rationale for decisions, on Contact Notes [CS0072] or in the electronic information system, as appropriate.

Related Information

5.0 Licensing Overview

5.1 Licensing a Foster Care Provider

5.2 Licensing a Child and Youth Facility

5.4.1 Placing Conditions on a Licence

1.4. Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Environmental Safety Assessment for Caregivers [FC3606]

Licensing Recommendation Report [FC3900]

To report a broken link click here.

Chapter 6: Assessment of Care Concerns Involving Placement Provider

Section:	**6.0 Assessment of Care Concerns Involving Placement Provider Overview**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 4

Overview

The care, maintenance and well-being of a child in the custody or under the guardianship of the director, rests with the director per CYFEA:

- s.10(c) under a CA, guardian authority is delegated to the director,
- s.11(2)(c) under a PGA, the director becomes the sole guardian of the child,
- s.31(2) under a TGO, the director becomes a joint guardian and may exercise all of the authority of a guardian to the exclusion of any guardian (except consent to adoption), and
- s.34(4) under a PGO, the director becomes sole guardian of the child.

If a child is being provided with care under CYFEA, under s.2(l) a child should be provided with a level of care that is adequate to meet the needs of the child and consistent with community standards and available resources.

When there are allegations of care concerns about the safety or well-being of a child in the custody or under the guardianship of the director that involve a placement provider or a staff person in a child and youth facility, the director has responsibility to receive the information, assess the care concerns, and take any necessary actions to ensure that the child is safe and receiving adequate care in the placement.

Definitions

Licensed Placement Providers

- All residential facilities that require a Residential Facilities License per s.105.1 and s.105.2(1) of CYFEA including:
  - a secure services facility:
    - Youth Assessment Centre (High Prairie)
    - Youth Assessment Centre (Lac La Biche)
    - Youth Assessment Centre (Red Deer)
    - Yellowhead Youth Centre (Edmonton)
    - Hull Child and Family Services (Calgary)
    - Sifton Family and Youth Services (Lethbridge)
  - a foster home
  - a group home

Non-licensed Placement Providers

- Kinship care homes
- Permanency placement adoption homes

Care Concerns

A child in the custody or under the guardianship of the director has already been found to be in need of intervention.

The definitions of abuse and/or neglect as per CYFEA are used to assess the safety and well-being of a child when there are allegations of care concerns involving a placement provider or a staff person in a child and youth facility.

- Concerns of Abuse and Neglect include:
  - neglect as defined in s.1(2.1)(a) to (c),
  - emotional injury, physical injury or sexual abuse as defined in s.1(3)(a) to (c) of CYFEA, and
  - prohibitions as outlined in s.9 (a) to (c) of the RFLR, for holders of a foster home license, or
  - prohibitions as outlined in s.23 (a) to (g) of the RFLR, for holders of a child and youth facilities license, and

may further include failure to abide by:

  - #2 and #3 in the Agreement to Foster [FC0044],or
  - #1 and #4 in the Kinship Care Agreement [FC3599], and
  - other regulatory requirements depending on a preliminary assessment of the scope and degree of the reported concern.

- Concerns of Non-Compliance to:
  - CYFEA
  - the Residential Facilities Licensing Regulation
  - the Agreement to Foster
  - the Kinship Care Agreement, or
  - Human Services policy

Assessing care concerns involves a team approach where roles and responsibilities are clearly identified. Concerns of abuse and neglect are assessed by an intervention assessor and concerns of non-compliance are assessed and followed-up by the placement provider support worker, the licensing officer or the contract specialist, in collaboration with the child's caseworker as appropriate. The primary focus at all times is the safety and well-being of children in the custody or under the guardianship of the director.

An assessment of care concerns can be stressful for the placement provider and the children. As team members, placement providers have rights and are entitled to support during the assessment process. The nature of support will vary depending upon the type and needs of the placement provider. The assessment of care concerns involves ensuring the safety and well-being of children while respecting the rights of the placement provider.

Related Information

2. Kinship Care
3. Foster Care
5. Licensing

Child, Youth and Family Enhancement Act

Residential Facilities Licensing Regulations

Agreement to Foster [FC004]
Kinship Care Agreement [FC3599]

To report a broken link click here.

Chapter 6: Assessment of Care Concerns Involving a Placement Provider

Section:	**6.1 Intake Referral Activities**	Issue Date: October 1, 2011
Subsection:	**6.1.1 Receiving Care Concerns Regarding a Child in Care**	Revision Date: October 1, 2011
		Page 1 of 2

Policy

All Child and Family Services Authorities and Delegated First Nation Agencies are responsible to have the capacity to receive care concerns involving a placement provider or staff person in a child and youth facility on a 24-hour a day basis 365 days per year.

Purpose

CYFEA mandates that the director is responsible to ensure the care, maintenance and well-being for children in care. Children in the custody or under the guardianship of the director have legal rights under CYFEA, such as the right to receive basic necessities and to live in a safe environment that is free from physical punishment, verbal or physical degradation and emotional injury. Whenever information is received regarding concerns about the level of care a child is provided, staff must be available to receive, document, and respond to the information in a timely manner.

Procedures

Care concern referrals may be made by any person or referral source including a child in the custody or under the guardianship of the director.

Requirements

- Each CFSA and DFNA must ensure staff are available to receive care concerns on a 24-hour a day basis 365 days per year.
- Coverage for after hours, weekends and holidays must be in place.
- After hours protocols with community resources such as police and health resources must be in place.
- All care concern referrals must be responded to by a person and not a recorded telephone message.

Report to Police

Report information to police in the following instances:

- a child with observable injuries, whose injuries are believed to be the result of abuse,
- a child who is being assessed for sexual abuse, or
- a drug-endangered child exposed to a care provider's illegal drug activity.

Recording

- Record all activities on the file and electronically as required by the intake and recording policies.

Relevant Information

1.1.2 Recording Information the Electronic Information System – Intervention Services Information System (ISIS) (Enhancement Policy Manual – Intervention)

3.1.2 Intake (Enhancement Policy Manual – Intervention)

To report a broken link click *here*.

Chapter 6: Assessment of Care Concerns Involving a Placement Provider

Section:	**6.1 Intake Referral Activities**	Issue Date: October 1, 2011
Subsection:	**6.1.2 Intake: Preliminary Assessment**	Revision Date: October 1, 2011
		Page 1 of 4

Policy

Reported care concerns regarding a placement provider or staff person's care of a child in the custody or under the guardianship of the director must be assessed at intake to make a preliminary assessment regarding the child's safety and well-being, and to determine whether the information constitutes a report of a concern.

Placement provider intake preliminary assessment must be completed within **five** working days from the date the care concern was received.

Purpose

A preliminary assessment of reported care concerns is the first activity to determine if a child in the custody or under the guardianship of the director is safe and receiving a level of care that is adequate to meet the child's basic needs. A preliminary assessment is important in determining if there are safety concerns that must be addressed immediately. It is also important in determining next steps, obtaining background information and determining whether or not the intake should proceed to assessment or be addressed through the normal course of business by a placement provider support worker, licensing officer or contract specialist's duties.

Procedures

Gather sufficient information to:

- determine the nature of the concern and whether the information constitutes a care concern,
- determine the level of risk to the child, and
- determine whether further assessment is required to ensure that child is safe and receiving adequate care.

NOTE: An immediate response (one day) is required when the reported care concern poses a threat of immediate danger to health or safety of a child.

Determine whether the Information Constitutes a Care Concern

Information received constitutes a care concern if it indicates that due to a placement provider or staff person's actions or inactions, a child in the custody or under the guardianship of the director may be unsafe or receiving a level of care that is not adequate to meet the child's basic needs.

Care concerns may include one or more of the following:

- abuse or neglect, (including sexual abuse, physical abuse, neglect or emotional injury as per CYFEA or drug endangered as per DECA),
- non-compliance to CYFEA and/or related Regulations,
- non-compliance to provincial policy requirements under CYFEA and/or all related Regulations,
- non-compliance to care related matters referenced in the Agreement to Foster [FC0044] or Kinship Care Agreement [FC3599].

Complete Intake Activities

If the information does not constitute a care concern:

- document the information on Contact Notes [CS0072] and/or the electronic information system, as appropriate, and
- forward to the child's caseworker, the licensing officer and/or the placement provider support worker.

If the information received constitutes a care concern:

- Gather as much further information as possible to assist in determining the need for further assessment. Information includes, but is not limited to, the following:
  - Clarify the nature of the referral (the incident that prompted the referral, details of the care concern, any previous incidents).
  - Establish the current circumstance of the child e.g. is the child injured or in immediate danger?
  - Enquire whether the situation is recent or ongoing.
  - Enquire if the care concern is specific to one child or involves the other children in the placement.
  - Determine the placement provider type.
  - Determine whether the placement provider is aware of the referral.

  - Identify the caller's relationship to the placement provider.
  - Clarify whether the caller knows the placement provider's explanation of the circumstances, condition or injury.
  - Document the name, address and telephone number of the caller unless the caller chooses to remain anonymous.

NOTE: In situations where the concerns are related to abuse or neglect of children under the guardianship of the placement provider, a separate Screening [CS1872] as per CYFEA s.6 is entered on the electronic system for follow-up by an intervention assessor.

- Review facility file on the electronic system and/or file for prior care concerns/and or prior involvement with intervention.
- Identify and document themes or patterns emerging from the review of the facility file.
- Contact relevant collateral sources including the caseworker for each child in the home, the placement provider's support worker, and the licensing officer if the placement provider is a contracted facility. Also contact collaterals such as the contract specialist, the agency director/designate and the manager/designate for government facilities.
- Review the provider assessment intake information and discuss the analysis of safety factors with the intake supervisor.

Determine Intake Recommendation

The intake ends with one of the following recommendations:

- immediate response (one day) is required,
- referral to Regional Placement Provider Intake Team
- intake closed.

If it is determined that the care concern requires further assessment and an immediate (one day) response is required:

- consult with the intake supervisor and manager,
- document the decision and rationale on the Intake,
- refer the matter to an intervention assessor for immediate follow-up. See Assessment of Concerns of Alleged Abuse and,
- complete a Mandatory Notification to the Office of the Child and Youth Advocate (OCYA) if one has not been completed. See 1.3.1 Mandatory Notifications – Intervention.

If it is determined that the care concern requires further assessment and an immediate response (one day) is not required, forward the Intake to the Regional Placement Provider Intake Team.

Recording

If the referral information is determined to be a care concern:

- record the information in the Intake within **five** working days of the date of the referral,
- complete electronic record entries, and
- forward a copy of the Intake for the child's file and the placement provider file.
- Complete a Mandatory Notification to the Office of the Child and Youth Advocate (OCYA) if one has not been completed. See 1.3.1 Mandatory Notifications – Intervention.

If the referral allegation is determined to not be a care concern:

- record the information on a call log, and
- forward a copy of the Intake for the child's file and the placement provider file.

All points of consultation, decision making and rationale for the decision must be documented in the Intake and Contact Notes [CS0072] or the electronic system as appropriate.

Related Information

1.1.2 Recording Information the Electronic Information System – Intervention Services Information System (ISIS) (Enhancement Policy Manual – Intervention)

1.1.3 Retention of Records (Enhancement Policy Manual – Intervention)

1.3.1 Mandatory Notifications (Enhancement Policy Manual – Intervention)

3.1.2 Intake (Enhancement Policy Manual – Intervention)

Agreement to Foster [FC0044]

Contact Notes [CS0072]

Kinship Care Agreement [FC3599]

To report a broken link click *here*.

Chapter 6: Assessment of Care Concerns Involving a Placement Provider

Section:	**6.1 Intake Referral Activities**	Issue Date: October 1, 2011
Subsection:	**6.1.3 Intake: Regional Placement Provider Intake Team Review Conference**	Revision Date: October 1, 2011 Page 1 of 2

Policy

The Intake is reviewed at a Regional Placement Provider Intake Team Review Conference to determine what, if any, further assessment activities must occur.

The review must be completed by the Regional Placement Provider Intake Team within 10 working days from the date the care concern was received.

Purpose

The Regional Intake Team facilitates a thorough review of the intake and provides the opportunity for a coordinated response. It is important that the individuals involved have the knowledge and an understanding of the issues surrounding the sensitivity and importance of appropriate responses to care concerns. It is also important that a team determine the assessment activities that need to occur to address the reported care concerns involving the placement provider. It should never be left to one individual to determine how to respond to a care concern. The team is expected to ensure that the safety and well-being of children in the custody or under the guardianship of the director is paramount.

Procedures

Establish a Regional Placement Provider Intake Team that includes:

- a regionally determined representation from placement resources (e.g. foster care or kinship care worker, licensing officer, contract specialist),
- a regionally determined representation from intervention (e.g. specialized unit for provider assessment or an intervention assessor), and
- at least one regionally determined supervisor from either intervention or placement resources.

The Regional Placement Provider Intake Team determine if:

- the care concern is a concern of abuse or neglect by a placement provider or child and youth facility staff member and requires further assessment, or
- the care concern is related to non-compliance to CYFE, RLFR, the Agreement to Foster or the Kinship Care Agreement and requires formal follow-up, or
- the care concern does not warrant further assessment.

And determines the Intake Recommendation:

- Assessment of Concerns of Alleged Abuse or Neglect. The casework supervisor participating in the review assigns an intervention assessor for Assessment of Concerns of Alleged Abuse or Neglect.
- Assessment and follow-up of concerns of Non-compliance. The casework supervisor participating in the review assigns the appropriate placement provider support worker, licensing officer or contract specialist to follow-up of concerns of non-compliance.
- Closure.

Recording

Complete the Intake. Record all consultations, decisions and rationale for decisions on Contact Notes [CS0072] or in the electronic information system, as appropriate.

Related Information

Contact Notes [CS0072]

To report a broken link click *here*.

Chapter 6: Assessment of Care Concerns Involving a Placement Provider

Section:	**6.2 Assessment of Care Concerns of Alleged Abuse/Neglect**	Issue Date: October 1, 2011
Subsection:	**6.2.1 Foster Care Provider, Kinship Care Provider, Permanency Placement Adoption Home**	Revision Date: October 1, 2011 Page 1 of 4

Policy

An intervention assessor must complete an assessment of concerns of alleged abuse/neglect involving a placement provider.

The assessment of concerns of alleged abuse/neglect must be completed within 30 working days from the date of the completion of the Intake.

Purpose

When an intake has determined that there are reasonable and probable grounds to believe that a child in the custody or under the guardianship of the director is not safe and/or is receiving a level of care that is not adequate to meet the child's basic needs, there must be a thorough assessment of the concerns. The assessment of the child's safety and care is a responsibility of the director. The assessment must be completed by staff with the level of skill and experience to assess the concern thoroughly.

Procedures

Reviewing Information

- Review all information from the Intake.
- Refer to police if there is a reason to believe that a crime has been committed. See 6.1.1 Receiving Care Concerns Regarding a Child in Care.

Assessment Pre-Planning Conference

- Conduct an assessment pre-planning meeting (either in person or via telephone or video conference) with all relevant staff. This may include caseworkers who have children placed with the provider, the provider support worker, the licensing officer, the contract specialist, the agency director/designate and the Child Advocate.

- Address the following:
  - Safety plans for all children involved in the allegation or residing with the placement provider.
  - Plans for the removal of the children, if this is necessary to ensure child safety while the assessment occurs. Each caseworker, in consultation with their supervisor, is responsible to determine if the child should remain with the placement provider while the assessment occurs.
  - Supports for the children during the assessment.
  - The status of the placement provider during the assessment period:
    - determine if the foster home licence should be varied, suspended or cancelled per s.105.7(1)(a)-(c) of CYFEA, following the procedures outlined in 5.4.2 Varying, Suspending or Cancelling a Licence.
  - Information sharing with the placement provider (e.g. when and what can be shared with the placement provider).
  - Support to the placement provider during the assessment.
    - Placement providers should be advised of the allegation and assessment as soon as feasible, taking into consideration the safety and well-being of the children.
  - Next steps, including the assessment plan for gathering information, interviewing children, interviewing the placement provider, and if required, interviewing children who were previously placed with the placement provider.

Completing the Assessment

- Assess the safety condition of the child within five working days of the referral from the intake by having contact with the child, or with someone who has direct contact with the child, other than the placement provider.
- Interview face-to-face and separate from the placement provider all children who are relevant to the care concern or who may have relevant information as a result of being placed with the provider. Wherever appropriate, the child's caseworker should be present during the interview.
- Request permission from the placement provider to interview their biological children if it is believed they may have relevant information pertaining to the care concerns.

- If assessing concerns of sexual abuse or physical injury, follow procedures as outlined in 3.1.3 Safety Phase – Intervention.
- Interview face-to-face and separate all placement providers in the home, ensuring that foster care providers have had the opportunity to obtain a Foster Care Allegation Support Team (FAST) member to attend their interview and/or all placement providers have had the opportunity to obtain a support person to attend their interview with them.
- Review all previous file and electronic records pertaining to the placement provider and the child.
- Complete an analysis of all assessment activities.

Assessment Outcome

The assessment of care concerns of alleged abuse/neglect ends with a determination regarding the child's safety and well-being in the placement.

Review all assessment information, assessment activities and analysis with the casework supervisor and determine one of the following outcomes:

- Unsubstantiated – the information gathered does not support the concern(s) reported, or
- Substantiated – sufficient information was gathered to support or corroborate the concerns reported.

NOTE: It is mandatory to refer all cases to the Legal Services Branch of HS when an assessment outcome substantiates that a PGO or PGA child was sexually assaulted or sustained a serious physical injury. See 8.4 Protecting the Legal Interests of Children under Permanent Guardianship – Intervention.

Recording

Document the results of the assessment. Record all consultations, decisions and rationale for decisions on Contact Notes [CS0072] or in the electronic information system, as appropriate.

Related Information

3.3.8 The AFPA

5.4.2 Varying, Suspending or Cancelling a Licence

6.1.1 Receiving Care Concerns Regarding a Child in Care

1.9 Police Involvement and Offences (Enhancement Policy Manual – Intervention)

3.1.3 Safety Phase (Enhancement Policy Manual – Intervention)

8.4 Protecting the Legal Interests of Children under Permanent Guardianship (Enhancement Policy Manual – Intervention)

Child, Youth and Family Enhancement Act

Freedom of Information and Protection of Privacy Act

Contact Notes [CS0072]

To report a broken link click here.

Section:	**6.2 Assessment of Care Concerns of Alleged Abuse/Neglect**	Issue Date: October 1, 2011
Subsection:	**6.2.2 Foster Care Provider, Kinship Care Provider, Permanency Placement Adoption Home – Post Assessment Activities**	Revision Date: October 1, 2011 Page 1 of 3

Policy

The intervention assessor will facilitate a post-assessment conference with all staff involved in the pre-assessment planning conference within two weeks of the determination of an assessment outcome.

A de-briefing meeting with the placement provider is held following the post-assessment conference.

The placement provider is provided with the assessment details and outcome in writing within two weeks of the post-assessment conference.

Purpose

Reviewing the assessment information collectively provides the opportunity to develop recommendations in a collaborative manner to ensure child safety and well-being, while supporting the placement provider to develop skills and prevent similar concerns in situations where it is determined that the placement resource will remain open.

Procedures

Post–assessment conference:

- Convene a post-assessment conference with all those who participated in the pre-assessment conference and anyone else who is identified as having a substantial role in the assessment or decision making process.
- Review the details regarding the assessment and the assessment outcome.

- Develop recommendations to address the concerns identified in the assessment. These could include but are not limited to:
  - additional supports for the placement provider home,
  - specialized training for the placement provider,
  - a review of the matching criteria for child placements,
  - a review of the foster home classification level,
  - limiting the number of children cared for by the placement provider,
  - the removal of one or more children from the home to enable closer supervision by the placement provider, or
  - closure of a kinship care home, a permanency placement adoption home, or
  - if a foster home, variation, suspension or cancellation of the foster home licence per s.105.7(1)(a) to (c) of CYFEA.
- Determine:
  - how the follow-up to the recommendations will be monitored and by whom,
  - timelines for actions to address the recommendations, and
  - who will discuss the assessment and assessment outcome with the child, if age and developmentally appropriate.

De-briefing Meeting with Placement Provider:

- Discuss the details of the assessment.
- Discuss the assessment outcome and the actions/plans to resolve any identified issues, including any supports to be provided.
- For a licensed foster care provider, discuss the outcomes that impact the foster home license, following the procedures in 5.4.2 Varying, Suspending or Cancelling a Licence.
- Inform the placement provider where they have the right to request a review of decisions if they are in disagreement, with a decision following the procedures in 1.4 Administrative Reviews and Appeals – Intervention.

Letter to Placement Provider

- The licensing officer will provide a letter to the licensed foster home summarizing the details of the assessment, the assessment outcome, recommendations and any changes to the current licence.

- The placement provider support worker will provide a letter to the kinship care provider or the permanency placement adoption home summarizing the details of the assessment, the assessment outcome, and recommendations.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Update the electronic information system regarding any changes to the licence following the procedures outlined in 5.4.2 Varying, Suspending or Cancelling a Licence.

Related Information

3.3.9 Dispute Resolution

5.4.2 Varying, Suspending or Cancelling a Licence

1.4.0 Overview (Enhancement Policy Manual – Intervention)

1.4.1 Administrative Reviews (Enhancement Policy Manual – Intervention)

1.4.2 Appeals to the Appeal Panel (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

To report a broken link click *here*.

Section:	**6.3 Assessment of Care Concerns of Alleged Abuse/Neglect in a Child and Youth Facility**	Issue Date: October 1, 2011
Subsection:	**6.3.1 Assessment Activities**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

An intervention assessor completes an assessment of Concerns of Alleged Abuse/Neglect involving a staff person in a licensed child and youth facility.

The assessment of concerns of alleged abuse/neglect must be completed within 30 working days from the date of the completion of the Intake.

Purpose

When the intake has determined that there are reasonable and probable grounds to believe that a child in the custody or under the guardianship of the director is not safe and/or is receiving a level of care that is not adequate to meet the child's basic needs, there must be a thorough assessment of the concerns. The assessment of the child's safety and care is a responsibility of the director. The assessment must be completed by staff with the level of skill and experience to assess the concern thoroughly.

Procedures

Reviewing Information

- Review all information from the Intake.
- Refer to police if there is a reason to believe that a crime has been committed. See 6.1.1 Receiving Care Concerns Regarding a Child in Care.
- Discuss with the casework supervisor the extent to which information should be shared with the agency director/designate or facility manager/ designate so as not to impede the assessment.

Assessment Pre-Planning Conference

- Conduct an assessment pre-planning meeting (either in person or via telephone or video conference) with all relevant staff. This may include caseworkers who have children placed in the child and youth facility, the facility manager/designate, the licensing officer, the contract specialist, the agency director/designate, and the Child and Youth Advocate. Address the following:
  - safety plans for all children involved in the allegation or residing in the child and youth facility,
  - plans for the removal of the children, if this is necessary to ensure their safety while the assessment occurs. Each caseworker in consultation with the casework supervisor is responsible to determine if the child should remain in the facility while the assessment occurs,
  - supports for the children during the assessment,
  - plans to ensure that the child and youth facility staff person does not have contact with the child and is not left alone with any other children in any other child and youth facility pending the outcome of the assessment, and
  - next steps, including the assessment plan for gathering information, interviewing the staff person or other relevant staff in the child and youth facility, and if required, interviewing children who were previously placed in the child and youth facility.

Completing the Assessment

- Assess the safety condition of the child **within five working days** of the referral from the provider assessment intake by having contact with the child, or with someone who has direct contact with the child.
- Interview face-to-face and separate from the child and youth facility staff, manager/designate, agency director/designate, all children who are relevant to the allegation or who may have relevant information as a result of being placed in the facility. Wherever possible, the child's caseworker should be present during the interview with the child.
- If assessing concerns of sexual abuse or physical injury, follow intervention procedures as outlined in 3.1.3 Safety Phase – Intervention.
- Follow the child and youth facilities procedures regarding the interviewing of staff. Action taken with agency or government staff is the responsibility of the child and youth facility agency or HS Human Resources.
- Review all previous file and electronic records pertaining to the child and youth facility and the child.

- Complete an analysis of all assessment activities.

NOTE: All child and youth facilities must have a written description of procedures to address the handling of allegations of abuse by staff and volunteers per s.13(2)(e)(xiv) of the RFLR. It is expected that the child and youth facility will follow their internal procedures to address concerns during and following the assessment.

Assessment Outcomes

The assessment of care concerns of alleged abuse/neglect ends with a determination regarding the child's safety and well-being.

Review all assessment information, assessment activities and analysis with the casework supervisor and determine one of the following outcomes:

- **Unsubstantiated** – the information gathered does not support the concern(s) reported, or
- **Substantiated** – sufficient information was gathered to support or corroborate the concerns reported.

NOTE: It is mandatory to refer all cases to the Legal Services Branch of HS when an assessment outcome substantiates that a PGO or PGA child was sexually assaulted or sustained a serious physical injury. See 8.4 Protecting the Legal Interests of Children under Permanent Guardianship – Intervention.

Recording

Document the results of the assessment Record all consultations, decisions and rationale for decisions, on Contact Notes [CS0072] or in the electronic system, as appropriate.

Related Information

1.9 Police Involvement and Offences (Enhancement Policy Manual – Intervention)

3.1.3 Safety Phase (Enhancement Policy Manual – Intervention)

8.4 Protecting the Legal Interests of Children under Permanent Guardianship (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Section:	**6.3 Assessment of Care Concerns of Alleged Abuse/Neglect in a Child and Youth Facility**	Issue Date: October 1, 2011
Subsection:	**6.3.2 Post Assessment Activities**	Revision Date: October 1, 2011
		Page 1 of 3

Policy

The assessment investigator will facilitate a post-assessment conference with those involved in the pre-assessment planning conference within two weeks of the determination of an assessment outcome.

The agency director/designate or the manager/designate is provided with the assessment details and outcome in writing within two weeks of the post-assessment conference.

Purpose

Reviewing the assessment information collectively provides the opportunity to develop recommendations in a collaborative manner to ensure child safety and well-being, while supporting the child and youth facility to develop their programs, procedures and staff training to prevent similar concerns in situations where it is determined that the placement resource remain open.

Procedures

Post-assessment conference:

- Convene a post-assessment conference with all those who participated in the pre-assessment conference and anyone else who is identified as having a substantial role in the assessment or decision making process.
- Review the details regarding the assessment and the assessment outcome.
- Develop recommendations to address the concerns identified in the assessment. The actions taken with staff involved in an assessment of concerns of abuse/neglect in an agency or government child and youth facility is the responsibility of the agency or HS human resources

practices. Therefore, recommendations to address the concerns and the outcome of the assessment are not related to individual staff members but to the child and youth facility as per the CYFEA, the RFLR and the contractual agreement and may include but are not limited to:

  - additional training for the staff in the child and youth facility
  - changes to policy and procedures of the child and youth facility
  - changes to the contract
  - the removal of one or more children from the child and youth facility, or

- The actions taken with staff involved in an assessment of concerns of abuse/neglect in an agency or government child and youth facility is the responsibility of the agency or HS human resources practices. Therefore, recommendations to address the concerns and the outcome of the assessment are not related to individual staff members but to the child and youth facility as per the CYFEA, the RFLR and the contractual agreement and may include but are not limited to:
  - additional training for the staff in the child and youth facility,
  - a review of the child and youth facility policy and procedures changes to the contract,
  - the removal of one or more children from the child and youth facility, or
  - variation, suspension or cancellation of the child and youth facility licence per s.105.7(1)(a) to (c) of CYFEA.
- Determine:
  - how the follow-up to the recommendations will be monitored and by whom,
  - timelines for actions to address the recommendations, and
  - who will discuss the assessment and assessment outcome with the child or youth.

Letter to the child and youth facility license holder

- The licensing officer will provide a letter to the agency director/designate or manager/designate of the child and youth facility summarizing the details of the assessment, the assessment outcome, recommendations and any implications to the current child and youth facility license. See 5.4.2 Varying, Suspending or Cancelling a Licence.
- Inform the license holder where they have the right to request a review of decisions if they are in disagreement with them, following the procedures in 1.4 Administrative Reviews and Appeals – Intervention.

Recording

Record all contacts, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system, as appropriate.

Update the electronic information system regarding changes to the licence following the procedures outlined in 5.4.2 Varying, Suspending or Cancelling a Licence.

Related Information

5.4.2 Varying, Suspending or Cancelling a Licence
1.4.0 Overview (Enhancement Policy Manual – Intervention)
1.4.1 Administrative Reviews (Enhancement Policy Manual – Intervention)
1.4.2 Appeals to the Appeal Panel (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

To report a broken link click here.

Chapter 6: Assessment of Care Concerns Involving a Placement Provider

Section: **6.4 Concerns of Non-Compliance**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

All concerns of non-compliance to CYFE, RFLR or Human Services policy, including compliance to the Agreement to Foster or the Kinship Care Agreement must be assessed and followed up by the licensing officer, placement provider support worker or contract consultant for foster homes and child and youth facilities and the support worker for kinship care providers and permanency placement adoption homes.

Purpose

Assessment and follow-up of concerns of non-compliance provides ongoing ability to work with placement providers and child and youth facilities to ensure quality care for children in the custody or under the guardianship of the director.

Procedures

The licensing officer, placement provider support worker, contract consultant, as applicable, will:

- review the intake,
- conduct a site visit (see 5.3 Environmental Safety and Site Visit) or home visit to gather information,
- advise and consult with all relevant parties including but not limited to the child's caseworker, the contract consultant, the agency support worker, the agency director/designate, the child and youth facility manager/ designate as determined by the nature of the concern to:
  - share details of the reported non-compliance in relationship to the well-being of the child,
  - determine if there is a need for the child to be interviewed and who will do that,

  - gather additional information relevant to the concern.

- review all placement provider file information and previous information from the electronic system,
- in consultation with the child's caseworker, review the child's file and electronic information system,
- consult with the casework supervisor regarding actions to be taken to resolve the identified issue(s).

NOTE: If at any time it is determined a child may be at risk, refer immediately back to the Regional Placement Provider Intake Team to initiate an Assessment of Alleged Concerns of Abuse/Neglect by a placement provider or child and youth facility staff.

- develop a plan with the placement provider or child and youth facility license holder and relevant staff to resolve the identified concerns that could include but are not limited to the following:
  - provider training
  - development of a support plan
  - referral to community resources
  - on-going monitoring and site visits/home visits
  - reducing the number of children in the placement
  - varying, suspending or cancelling the foster home or child and youth facility license per s.105.7(1)(a) to (c) of the CYFEA.

If it is determined that a foster home or child and youth facility will have their license impacted follow the procedures outlined in 5.4.2 Varying, Suspending or Cancelling a Licence.

Recording

Record all contract, consultations, decisions and rationale for decisions on Contact Notes [CS0072] and/or the electronic information system.

Update the electronic information system regarding any changes to the license following the procedures outlined in 5.4.2 Varying, Suspending, or Cancelling a Licence.

Related Information

2. Kinship Care
3. Foster Care

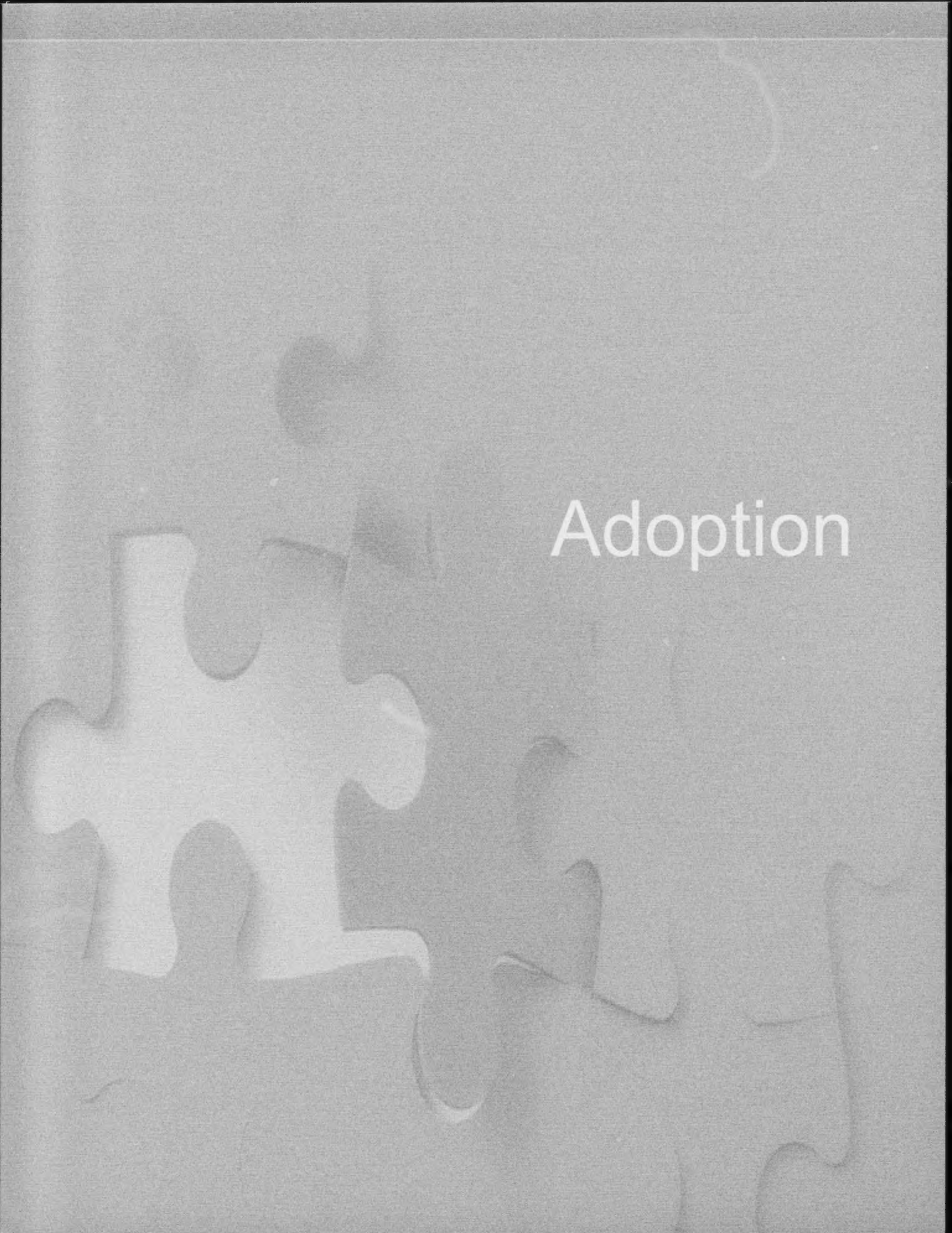
5.4.2 Varying, Suspending or Cancelling a Licence

Child, Youth and Family Enhancement Act

Residential Facilities Licensing Regulations

Contact Notes [CS0072]

To report a broken link click here.



Adoption

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Chapter 1: Adoption Overview

Section: **1. Adoption Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Overview

Adoption is intended to provide a lifelong commitment of permanence and stability for children.

This part of the manual discusses adoption, including the various programs managed by Adoption Services. All child adoption services are provided in accordance with CYFEA.

Subsequent sections describe:

- Birth parent services
- Adoption home approval
- Access
- Matching
- Inter-provincial Adoption
- Foster Parent and Kinship Care Provider Adoption
- Preparing for Placement
- Post Placement
- Adoption Finalization
- Private Guardianship
- Supports for Permanency (SFP)
- Private Adoption
- International Adoption
- The Post Adoption Registry (PAR)

Matters to be Considered

S.58.1 of CYFEA sets out the specific matters that must be considered by any person who exercises any authority or makes a decision relating to the adoption of a child. These are:

- the importance to the child's development of a positive relationship with a parent, and a secure place as a member of a family,
- the benefits to the child of stability and continuity of care and relationships,
- the mental, emotional and physical needs of the child and the child's mental, emotional and physical stage of development,
- the benefits to the child of maintaining, wherever possible, the child's familial connections, and cultural, social and religious heritage,
- the child's views and wishes, if they can be reasonably ascertained,
- the effects on the child of a delay in decision-making, and
- in the case of an aboriginal child, the uniqueness of aboriginal culture, heritage, spirituality and traditions, and the importance of preserving the child's cultural identity.

Adoption Services

Adoption Services is responsible for:

- developing policies and procedures for all adoption programs,
- monitoring for compliance with provincial adoption policy and regulations,
- managing the bank of approved adoptive homes,
- managing the bank of children referred for adoption matching,
- developing, implementing and managing media recruitment,
- maintaining the Adoption Website,
- responding to and referring inquiries generated by media recruitment,
- managing the provincial Electronic Matching System (EMS),
- facilitating unofficial matches for children with approved adoptive families,
- providing placement authority for matches,
- providing training and consultation on adoption practice and policy, as required,
- managing the private adoption programs, which include agency, direct, spousal, and relative,
- licensing and monitoring private adoption agencies,
- managing and delivering the International Adoption Program,

- acting as the Delegated Central Authority for the Province of Alberta under the Hague Convention on Intercountry Adoption, and
- compiling and distributing provincial adoption and private guardianship statistics.

Regional Adoption Services

All regions have staff with specialized knowledge regarding adoption who are designated to provide consultation to regional staff on all adoption matters.

Individuals Delegated to Take Consents

Each region identifies individuals who are specifically delegated under the Delegation Schedule for the purpose of taking adoption consents.

Only these delegated individuals are authorized to process the required consent of a child of 12 years of age or over, or consents for a direct placement or licensed agency adoption, if the relinquishing parents or a child 12 years or over choose to complete the consent using Ministry services.

Alternatively, the parents or the child 12 years or over may choose to use the services of a lawyer.

Intermediary Placements

S.84 prohibits both an adoptive placement and the facilitation of a placement by a third party intermediary (i.e. anyone other than the child's parent, the director, a licensed adoption agency, or the Minister acting as a go-between). If staff becomes aware of such involvement, contact with the worksite manager or regional adoption specialist is mandatory. The manager or specialist will contact Adoption Services.

Interprovincial Requests

As a courtesy, the Ministry responds to requests from other provinces or territories. These requests include:

- facilitating a home study report for a child to be placed in Alberta,
- completing an Intervention Record Check,
- witnessing a Consent to Adoption, and
- completing other requested documents.

When a request is received, an adoption case worker responds. The regional interprovincial co-ordinator is responsible for ensuring that responses are provided according to established regional protocol.

Section: **2.0 Birth Parent Services Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011 Page 1 of 3

Overview

Birth Parent Services are available to any parent or guardian who wishes to consider relinquishing a child for adoption.

Provide birth parent services to any expectant or new parent who:

- self-refers,
- is referred by a licensed adoption agency,
- is referred by a community agency, or
- is referred by an intervention case worker

This chapter provides direction regarding:

- Services Before Relinquishment
- Permanent Guardianship Agreement (PGA)
  - Entering a PGA
  - Responsibilities during a PGA
  - Terminating a PGA

Important Information

Adoption Facilitators

Under s.84 of CYFEA, only the following may facilitate the placement of a child for adoption:

- a parent of the child,
- a director,
- a licensed adoption agency, or
- the Minister.

Procuring

Under s.83 (1), it is illegal to provide or accept payment or reward:

- for procuring or assisting in the procurement of a child for adoption, or
- for placing or facilitating the placement of a child for adoption.

NOTE: Exceptions to the prohibitions are detailed in s.83(2).

If information received regarding the suspected payment for the procurement of a child, assisting in the procurement of a child or facilitating the placement of a child for adoption, document the information on Contact Notes [CS0072] and/or the contact log.

Provide the information to the worksite manager or regional adoption specialist, who will contact Adoption Services.

Child at Risk

If at any time the parent or the child appears to be in need of intervention services, refer the matter for intake to the local CFSA or DFNA.

Related Information

2.1 Services Before Relinquishment

2.2 Permanent Guardianship Agreement (PGA)

5.4 Registered Indian or Métis Child

13.1 Private Direct Adoption

13.2 Licensed Agency Adoption

15. Post Adoption Registry

Adoption Regulation

Family Law Act

Affidavit of Execution [CS1803]

Consent by a Guardian to Adoption – Adoption of a Child By the Parent [ADOP3598]

Consent by a Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step Parent Application [ADOP2659]

Consent by a Guardian to Adoption – Agency [ADOP2005]

Consent to Release Information [CS0470]

Contact Notes [CS0072]

Contact Preference [PAR3575]

Custody Agreement with a Guardian [CS1642]

Family and Medical History [ADOP0005]

Medical Report [CS0006]

Notice and Application by a Director to Terminate a Permanent Guardianship Order or Agreement [CS3614]

Notice and Application to Terminate a Permanent Guardianship Agreement [CS1593]

Ongoing Assessment [CS3703]

Ongoing Information Exchange [PAR3578]

Permanent Guardianship Agreement [CS1618]

Safety Assessment [CS3701]

Section: **2.1 Services Before Relinquishment**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
	Page 1 of 6

Policy

Prior to guardians relinquishing a child for adoption, Human Services is responsible for:

- Providing birth parent counselling to the relinquishing guardians at their request, including advising guardians of the options available to them, and the possible consequences of each option, in order to assist the guardians in making a decision to keep or relinquish a child,

NOTE: A licensed adoption agency may also provide birth parent counselling.

- Entering into a PGA regarding a child who has been in the actual custody of a guardian for a cumulative parent for a period of less than six months and who is being relinquished to Human Services for the purpose of adoption and consequent casework, and
- Witnessing the guardians' consent to adoption with the adopting family or through a licensed adoption agency. This consent may also be witnessed by a lawyer.

Procedures

Referral for Legal Advice

The director must not to provide any legal advice regarding the rights of the relinquishing guardians, the determination of who may be a guardian or the rights of other guardians. Advise the guardians to seek legal advice from a lawyer.

If the guardians indicate that they do not have a lawyer, provide them with the contact information for the Alberta Law Society lawyer referral services, where they will be provided with the names of three lawyers that are familiar with Family Law issues and will provide a free half-hour consultation.

Informed Decision Making

Informed decision making is an important part of guardianship. When taking a consent, the director must be satisfied that the guardian's decision is informed.

To be informed, a person must be intellectually and developmentally able to fully understand the proposed action and to appreciate the consequences of the decision.

Provide relinquishing guardians with as much information as possible about each of their options for adoption of the child and be prepared to answer questions about:

- any barriers in the process
- the rationale for any procedural steps that must be taken
- risks and benefits of each option
- what happens after they have signed a PGA or given consent for a private direct adoption or adoption through a licensed agency

Explain Options Available to Guardians

It is essential that information about all of the potential options is clearly explained to the guardians so that the guardians have the opportunity to make an informed decision.

1. Parent the Child

If, after counselling, the guardians make the decision to parent the child, provide a list of resources that are available in the community to assist them.

2. Relinquish the Child

If the guardians decide to relinquish the child for the purposes of adoption, ensure that they understand that several options are available.

A. Permanent Guardianship Agreement (PGA)

The guardians may enter into a PGA with the director. Tell the guardians that only the director can process a PGA and that a PGA may **only** be signed **if** the child has been in the care of the guardian for a cumulative period of less than six months.

Ensure that the guardians are aware that **all** guardians must sign the PGA in order for the director to be able to process it. This means that:

- The birth father, if known, **must** sign the PGA

- Where the birth father is unknown, or cannot be located, this must be documented in the file and the PGA can be accepted from the birth mother.
- Where there are compelling reasons to not involve the birth father (e.g. sexual assault), the details must be documents in the file and the PGA can be accepted from the birth mother.
- The director cannot enter into a PGA if:
  - the birth mother refuses to name the birth father,
  - the birth father is unwilling to sign the PGA, or
  - a guardian other than a birth parent is unwilling to sign the PGA.

NOTE: Where the father is unknown, cannot be located, or where there are compelling reasons not to involve the birth father, there is legal risk with respect to the PGA, as the birth father could apply under s.13 of CYFEA to terminate the PGA.

B. Licensed Agency Adoption

The guardians may place the child through a licensed adoption agency and consent to the adoption.

If the guardians request a referral to a licensed adoption agency, provide them with information about all of the agencies without showing a bias for any one. Each CFSA office has a list of licensed adoption agencies along with the contact information. These agencies are also listed on the Ministry website and in the yellow pages of the telephone book.

C. Private Direct Adoption

The guardians may place the child directly with a family known to them for the purposes of adoption and consent to the adoption.

If the guardians want to arrange a private direct adoption, tell them that they must arrange the placement directly with the family.

Birth Parents Under 18

Birth parents under the age of 18 years may enter a PGA or consent to an adoption without their guardians' involvement.

If a birth parent under the age of 18 years is receiving intervention services under an agreement or order, ensure that the parent receives counselling from a birth parent counselling caseworker.

Post Adoption and Contact Information

Ensure the guardians understand that:

- the guardians may register a Contact Preference [PAR3575] with the Post Adoption Registry (PAR) when the adoption is finalized.
    - The contact preference indicates the manner in which the person who is completing the form would like any future contact to occur, including where the person who is completing the form does not wish to have any future contact.
    - The adoptee, a parent (birth or adoptive), or any other person whose personal information may be in sealed orders, certificates or documents may complete a contact preference.
    - Completing a contact preference does not prevent the release of their identifying information.
- the guardians may receive identifying information about the child, when the child has reached the age of 18 years and 6 months, and
- when the child reaches 18, the adoptee may contact the PAR to receive identifying information about their birth parents and other family members.

Documentation to Gather from Guardians

When a child is being relinquished to the director under a PGA, collect the following from the relinquishing guardians:

Information about Marital Status

Married – if the birth mother is married, obtain a certified or notarized copy of the marriage certificate.

Separated – if the birth mother is separated from her spouse, obtain a certified or notarized copy of the marriage certificate.

Divorced – If the birth mother is divorced, obtain a certified or notarized copy of the divorce certificate.

Widowed – If the parent (birth mother or father) is widowed, obtain a certified or notarized copy of the death certificate of the other parent.

Information about the Child's Citizenship

Enter into a PGA only if a child is a Canadian citizen or has been lawfully admitted to Canada as a permanent resident. Contact Adoption and Permanency Services if there is uncertainty about whether a child qualifies.

Relinquishing a Child who is Receiving Services Under CYFEA

It is possible to enter into a PGA with the guardians of a child who has been apprehended, who is under a custody agreement with guardian or a temporary guardianship order, as long as the child has been in the custody of a guardian for a cumulative period of less than six months. There is no legal requirement that the child must be returned to the guardian prior to taking the PGA.

If the intervention concerns have been alleviated and the child is returned to guardians, then the guardians can access any avenue for adoption (PGA, private direct adoption or adoption through a licensed adoption agency).

However, once a protection status (e.g. custody agreement, temporary guardianship order) has been taken on the child and the child is in the care and custody of the director, it is **no longer possible** for the guardians to pursue private direct adoption. Written authorization must be provided by the Senior Manager, Adoption Services, for the guardians to place their child for adoption through a licensed adoption agency.

Recording

Record every effort to contact and every discussion held with all guardians on Contact Notes [CS0072] and/or the contact log.

Related Information

2.2.1 Entering Into a PGA for the Purposes of Adoption

2.2.2 Following Up on a PGA

2.2.3 Terminating a PGA

13.1 Private Direct Adoption

13.2 Licensed Agency Adoption

13.2.1 Authorization for Licensed Agency Adoption of Children Receiving Services Under CYFEA

5.1 Cumulative Time in Care (Enhancement Policy Manual – Intervention)

5.3.1 Apprehensions (Enhancement Policy Manual – Intervention)

Family Law Act

Contact Notes [CS0072]

Contact Preference [PAR3575]

Permanent Guardianship Agreement [CS1618]

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Alberta Law Society Lawyer Referral Service
1-800-661-1095

Alberta Human Services Adoption website

Chapter 2: Birth Parent Services

Section:	**2.2 Permanent Guardianship Agreement (PGA)**	Issue Date: October 1, 2011
Subsection:	**2.2.1 Entering into a PGA for the Purpose of Adoption**	Revision Date: October 1, 2011
		Page 1 of 6

Policy

Guardians (including birth parents) may make the decision to relinquish a child by entering into a Permanent Guardianship Agreement (PGA) for the purpose of adoption.

Purpose

S.11(1) of CYFEA allows a director to enter a PGA with all guardians of a child. Such an agreement makes a director the sole guardian of the child until:

- a director or a court terminates the agreement,
- a private guardianship order is granted,
- a court makes an adoption order,
- the child attains 18 years of age, or
- the child marries.

Procedures

Criteria

A PGA must be taken with guardians. If a child has guardians other than the birth mother and/or birth father, their participation and consent is required in order to enter into a PGA.

When considering a PGA, ensure the situation meets the following criteria:

- the child has been in the custody of at least one guardian for a cumulative period of less than six months,
- the guardians want to relinquish guardianship of the child, and
- the guardians are able to understand the consequences and are willing to enter the agreement without duress.

Ensure that the guardians are aware that **all** guardians must sign the PGA in order for the director to be able to process it. This means that:

- The birth father, if known, **must** sign the PGA
- Where the birth father is unknown, or cannot be located, this must be documented in the file and the PGA can be accepted from the birth mother. Efforts to locate the birth father must be documented.

NOTE: If the mother names more than one possible birth father, provide this information to each one.

- Where there are compelling reasons to not involve the birth father, the details must be documented in the file and the PGA can be accepted from the birth mother.
- The director cannot enter into a PGA if:
  - the birth mother refuses to name the birth father,
  - the birth father is unwilling to sign the PGA, or
  - a guardian other than a birth parent is unwilling to sign the PGA.

NOTE: Where the father is unknown, cannot be located, or where there are compelling reasons not to involve the birth father, there is legal risk with respect to the PGA until the court grants an adoption order, as the birth father could apply under s.13 of CYFEA to terminate the PGA.

The director must not provide legal advice to any of the guardians. Advise guardians to seek legal advice from a lawyer.

If one of the guardians is not prepared to relinquish the child through the PGA process, that guardian may wish to seek custody of the child and this must be explored.

Applying for a PGO **may** be an option **only** if the director has determined that the child is in need of intervention per s.1(2.1).

If there are no intervention concerns regarding the child, and it is not possible to enter into a PGA with the guardians, then the child **cannot** be relinquished through this process. In this circumstance, ensure that the guardians are aware of their options to pursue private direct adoption and adoption through a licensed adoption agency.

Before Signing

Before entering a PGA:

- the director must be satisfied that each guardian understands that the agreement terminates all guardianship rights,
- tell each guardian that another person claiming to be a guardian may apply to the court to terminate the agreement within 10 days after it has been signed. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays,
- inform each guardian in writing that:
  - a guardian may ask a director to terminate the agreement within 10 days after signing it; and
  - CYFEA provides no means to voluntarily terminate the agreement after 10 days.
- determine whether the child has or is eligible for registered Indian status through Indian and Northern Affairs Canada, or has an affiliation with a Métis Settlement.

Completing the PGA

Complete the following steps with the relinquishing guardians:

Complete the Permanent Guardianship Agreement [CS1618]:

- Use the child's full legal name as it appears on the birth registration. Tell the guardians that the adoption order includes the child's full birth name. Encourage the birth parents to name the child. If the birth parents do not name the child, the registration is completed indicating the child's gender (e.g. Baby Girl Smith);
- Correct any error by putting one line through it, initialling the change, and having the guardians initial the change;
- If possible, have each guardian or birth parent sign the same original document; and
- Complete an Affidavit of Execution for each guardian, and have it witnessed and commissioned by a Commissioner for Oaths.

The manager reviews and signs the agreement within one working day.

History

When completing the Ongoing Assessment Record [CS3703], enter information in every space. If the information is unavailable, enter the reason.

The only background information available to the adoptive family and the child may be the ongoing assessment, so it is essential that it is as thorough and accurate as possible.

Because of its relevance to HIV infection, ensure that information regarding the drug use and sexual history of the birth parents is included.

Race and ethnic origins are required for court. The court does not accept Canadian as an ethnic origin.

Include the following on the Ongoing Assessment:

- the period of involvement and number of interviews with the birth parents and other guardians,
- other counselling resources used by the guardians,
- the support of the birth grandparents in the decision to relinquish,
- the period covered by any apprehension order, custody agreement, or temporary guardianship order,
- the process, reasons, and timing of the guardians' decision to relinquish, and
- an assessment of how appropriate the agreement is considering the guardians' level of understanding and independence from influence.

Registered Indian Child

The Ministry recognizes and encourages the importance of maintaining an aboriginal child's heritage.

If the child has or is eligible for registered Indian status, tell the guardians that once the child is under permanent guardianship status, a First Nations Designate will be involved in planning for the child.

Métis Settlement Child

If a Métis child under a PGO or PGA is from an identified Métis Settlement, consult with Region 10 CFSA prior to referring the child for adoption.

If affiliation has not been determined for a Métis child, submit a Métis Settlement Affiliation Request [CS4014].

Parents' Preference

If the birth parents and any other guardians want to participate in selecting the adopting family, inform Adoption Services. Information about prospective adoptive parents will be provided to the caseworker for discussion with the birth parents.

Health Care

If the child is a newborn, tell the birth parents not to apply for Alberta Health Care coverage as Human Services' registration is effective on the date of the PGA.

File Administration

Open a Birth Parent Services file.

The paper file must contain:

- Contact Notes [CS0072],
- A copy of the apprehension order, custody agreement or temporary guardianship order if the child is taken into the care and custody of the director,
- Permanent Guardianship Agreement [CS1618], if the guardians relinquished the child to Human Services,
- Consent by a Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step-Parent Application [ADOP2659] (after PGA),
- Consent by a Guardian to Adoption – Adoption of a Child By the Parent [ADOP3598],
- Consent by a Guardian to Adoption – Agency [ADOP2005] (licensed agency adoption),
- copies of the agreement and any supporting documentation if the parent signs a Permanent Guardianship Agreement [CS1618] or a consent to adoption, and
- Consent to Release Information [CS0470] to have contact with a referring licensed adoption agency or the hospital.

Related Information

5.4 Registered Indian or Métis Child

13.1 Private Direct Adoption

13.2 Licensed Agency Adoption

2.1.1 First Nations Designate (Enhancement Policy Manual – Intervention)

2.1.2 Registered Indian (Enhancement Policy Manual – Intervention)

2.2.1 Métis Resource (Enhancement Policy Manual – Intervention)

3.1.2 Intake (Enhancement Policy Manual – Intervention)

3.1.3 Safety Phase (Enhancement Policy Manual – Intervention)

4.1.3 Assessment Records (Enhancement Policy Manual – Intervention)

5.2.5 Permanent Guardianship Agreement (Enhancement Policy Manual – Intervention)

Family Law Act

Consent by a Guardian to Adoption – Adoption of a Child By the Parent [ADOP3598]

Consent by a Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step-Parent Application [ADOP2659]

Consent by a Guardian to Adoption – Agency [ADOP2005]

Consent to Release Information [CS0470]

Contact Notes [CS0072]

Custody Agreement with a Guardian [CS1642]

Ongoing Assessment [CS3703]

Permanent Guardianship Agreement [CS1618]

Section:	**2.2 Permanent Guardianship Agreement (PGA)**	Issue Date: October 1, 2011
Subsection:	**2.2.2 Following-Up a PGA**	Revision Date: October 1, 2011
		Page 1 of 6

Policy

An adoption placement must be selected as quickly as possible for a child under PGA status.

Procedures

When the manager or delegate returns a signed Permanent Guardianship Agreement (PGA) [CS1618], complete the following procedures:

Electronic Records

Immediately end the intake and open the child's file in the electronic information system.

Services

Apply for health care coverage and provide all other appropriate services.

Medical

Obtain a Medical Report [CS0006] completed by a physician. If possible, have a paediatrician complete the assessment.

If the child is already discharged from hospital, assist the physician by obtaining and supplying all previous medical reports. For a newborn, such reports include the hospital pre-natal record, delivery record, and newborn discharge record.

Documents

Distribute the documents as follows:

- send both guardians and any additional guardian who signed it, an original PGA,

- place on the child's file:
  - the agreement with original signatures
  - the completed Affidavit of Execution for each guardian
  - the child's Medical Report
  - the guardians' placement preferences (if provided)
  - a copy of the child's assessment documents and History of Adopted Child – Mother and Father [ADOP1373], if completed
  - if there is any aboriginal background or if the ethnic origin is unknown for either guardian, an INAC check and a Métis Settlement check.
- send the following to Adoption Services to begin the matching process:
  - a copy of the Permanent Guardianship Agreement [CS1618]
  - a copy of the Affidavit of Execution [ADOP1803] for each guardian
  - a copy of the child's Medical Report [CS0006]
  - a copy of the child's assessment documents, if completed
  - the ethnic origins of the guardians
  - a copy of an INAC check or a Métis Settlement check, if applicable
  - the name of the adoptive parents if the guardians selected

Indian Child

If the child is a registered Indian, or entitled to be registered, involve the First Nations designate immediately in permanency planning. Send the designate a copy of the PGA within 20 days of it being signed. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.

Once a PGA has been entered for a child with, or eligible for, registered Indian status:

- apply for registration if the child is not registered,
- involve the First Nations Designate from the child's band to develop the permanency plan, and
- provide detailed information on the involvement of the First Nations Designate in the permanency plan.

Guardianship

Since the director becomes the sole guardian of the child upon entering the PGA, assume the following responsibilities:

- if a newborn remains in the hospital after being cleared for release, pay any charges from the hospital by issuing a Purchase Authorization and Invoice [CS0018C],
- if an adoption placement is not available immediately, place the child in an approved placement resource, or
- if an unnamed child is not placed for adoption before reaching 3 months, register the child's given name.

Keepsakes

If a guardian who entered a PGA wants to provide a keepsake for the child or adoptive parent:

- advise the guardian that the letter may not contain identifying information,
- obtain the keepsake before the order is finalized,
- pass the keepsake to the adoptive parents at the time of placement, if possible,
- record on the file what is done with each item, and
- retain a copy of all written material on file.

If an adoptive parent wants to provide a letter or picture of the child to the guardian, accept and pass on the letter and picture at any time before the adoption order is granted.

The court reviewing the adoption petition must be made aware in the special affidavit what items have been passed on to the adoptive parents and when the items were provided. Accepting keepsakes after the PGA has been signed may entitle the previous guardians to service of notice of the adoption proceedings.

Non-identifying information may be exchanged through the Post Adoption Registry (PAR) after the adoption has been granted.

Providing Information

If a guardian expresses interest in receiving further information about the adoption, follow procedures as outlined below.

Adoption Information

If the guardian asks whether the child has been placed for adoption:

- provide non-identifying information about the adoptive parents,
- do not contact the adoptive parents to request pictures or specific information, as this may result in the court requiring that previous guardians be notified of the adoption proceedings,

- tell the guardians they may complete a Contact Preference [PAR3575] and file it with the PAR when the child is adopted. A contact preference does not prevent the release of identifying information,
- explain that upon reaching the age of 18 years, the adoptee may request and receive identifying information about their birth family members from the PAR,
- tell the guardians that they may request and receive identifying information about the adopted child once the child reaches the age of 18 years plus 6 months,
- tell the guardians that they may be contacted when the adoptee is an adult, and
- tell the guardians about the process for exchanging non-identifying information and pictures through the PAR, after the adoption is finalized.

Ongoing Information Exchange

This service offered by the PAR is intended to allow the previous guardians and adoptive parents, on behalf of the adopted child, to receive updated information about the other party once a year.

If the previous guardians and adoptive parents express an interest in exchanging non-identifying information and pictures after the adoption, make the following arrangements before the adoption order is granted:

- obtain the agreement of the previous guardians and adoptive parents,
- have each of the previous guardians and adoptive parents complete an Ongoing Information Exchange form [PAR3578],
- tell all parties how to submit letters and pictures to the PAR after the adoption,
- set a date for this exchange – the usual date is the child's birthday,
- tell all parties that PAR staff will review all information submitted to make sure it contains no identifying information, and then forward the information to the other parties,
- tell all parties that the PAR keeps on file any information that is not forwarded to the other party, and
- if the PAR is unable to forward the information for three consecutive years, the PAR will contact the sender and asks that no more information be sent.

Forward the signed Ongoing Information Exchange form to the PAR after the Adoption Order is granted.

After completing any needed follow-up counselling, close the guardian's counselling file.

Post Adoption and Contact Information

The guardians may register a Contact Preference [PAR3575] with the PAR when the adoption is finalized.

- The contact preference indicates the manner in which the person who is completing the form would like any future contact to occur.
- The adoptee, a parent (birth or adoptive), or any other person whose personal information may be in sealed orders, certificates or documents may complete a contact preference.
- Completing a contact preference does not prevent the release of their identifying information.

The guardians may receive identifying information about the child, when the child has reached the age of 18 years and 6 months.

When the child reaches 18, the adoptee may contact the PAR to receive identifying information about their birth parents and other family members.

Related Information

9.1 Permanency Placement Adoption Date

9.2 Permanency Placement Period

Family Law Act

Affidavit of Execution [CS1803]

Contact Preference [CS3575]

History of Adopted Child – Mother and Father [ADOP1373]

Medical Report [CS0006]

Ongoing Assessment [CS3703]

Ongoing Information Exchange [PAR3578]

Permanent Guardianship Agreement [CS1618]

Purchase Authorization and Invoice [CS0018C] – (voucher) paper form only

Safety Assessment [CS3701]

Section:	2.2 Permanent Guardianship Agreement (PGA)	Issue Date: October 1, 2011
Subsection:	2.2.3 Terminating a PGA	Revision Date: October 1, 2011
		Page 1 of 3

Policy

A request or application from a birth parent or any other previous guardian to terminate a PGA must be made in writing within **10 days** after the agreement was signed.

When calculating the number of days, exclude the day the agreement was signed, but include Saturdays, Sundays and holidays.

Purpose

S.12 of CYFEA allows a relinquishing guardian to ask a director to terminate the permanent guardianship agreement.

S.13 allows any other person claiming to be a birth parent to apply for a court order terminating the agreement.

Procedures

Relinquishing Guardians

If birth parents or any other previous guardian who entered a PGA request to terminate the agreement within 10 days after signing it:

- inform the manager,
- tell the guardian(s) they must put their request to terminate the PGA in writing, according to s.12(1), and
- notify any other guardians who were parties to the PGA.

Per s.12(3), the PGA automatically terminates **48 hours** after the director receives the request to terminate, or any other period agreed to by the director and the requesting guardian. The director must return the child to the guardian who made the request to terminate the PGA. The agreement of the other guardians is not required.

If other previous guardians disagree about who should have custody of the child, this then becomes a private custody dispute.

If the director is of the opinion that the termination of the PGA and placement of the child with the requesting guardian will result in the child being in need of intervention, the director must take appropriate steps under CYFEA to ensure the safety and well-being of the child.

Person Claiming To Be a Parent

If a person claiming to be a parent who has not signed the PGA asks to terminate a PGA within 10 days after it was signed, advise that person to apply to court under s.13. Supply the person claiming to be a parent with a Notice and Application to Terminate a Permanent Guardianship Agreement [CS1593].

If a notice and application to terminate a PGA is received, ensure that it is provided to the manager or designate and Adoption Services.

Pursuant to s.13(2), the **applicant** is required to provide notice to all previous guardians.

Late Request

If a guardian or birth parent who entered a PGA asks to terminate the agreement more than 10 days after signing it:

- Consider the request only if the child has not been proposed to prospective adoptive applicants and evaluate:
    - whether returning the child to the guardian will place the child in need of intervention,
    - why the guardian/birth parent is making the request,
    - why the guardian/birth parent entered the agreement, and
    - how stable and suitable the guardian/birth parent is to assume care of the child.
- In consultation with the supervisor, decide whether termination of the agreement would endanger the child's survival, security, or development. Document the decision, factors considered and the rationale for the decision.
- If the director is of the opinion that the child will not be endangered, apply for an order terminating the agreement using the Notice and Application by a Director to Terminate a Permanent Guardianship Order or Agreement [CS3614].

NOTE: Per s.35, the director must be satisfied that the child should be returned to a previous guardian prior to making an application to court to terminate the PGA.

Related Information

Family Law Act

Notice and Application by a Director to Terminate a Permanent Guardianship Order or Agreement [CS3614]

Notice and Application to Terminate a Permanent Guardianship Agreement [CS1593]

Section: **3.1 Application to Adopt**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
	Page 1 of 7

Policy

Individuals who wish to apply to adopt children who are in the care and custody of the director must be willing to accommodate the special needs and backgrounds that these children may have.

Each applicant must meet all requirements in order to be approved as an adoptive home.

When an applicant does not meet all of the requirements, but is still interested in pursuing adoption, refer the applicant to licensed agency, private direct or international adoption programs.

Procedures

Criteria to Apply

All applications are reviewed to ensure that the applicant:

- resides in Alberta,
- is at least 18 years old,
- demonstrates financial and domestic stability,
- appears to be physically and mentally capable of parenting an adoptive child, and
- understands that when a child is placed in their home, a former guardian may apply to review the child's permanent guardianship order.

Proceed immediately with the adoption application if the applicant accepts **ONE** of the following child-related criteria:

- Significantly cognitively delayed (dependency in adulthood anticipated)
- Diagnosis of Autism
- Diagnosis of Schizophrenia

- Limited life span
- Serious and chronic medical condition (e.g. Cystic Fibrosis, Hepatitis C positive, Muscular Dystrophy, Cerebral Palsy, Epilepsy, Spina Bifida, HIV positive)
- Profound multiple handicaps

If not accepting of one of the above criteria, the applicant **MUST** be accepting of:

- Confirmed maternal history of alcohol use in pregnancy, and/or
- Confirmed maternal history of drug use in pregnancy.

The applicant must also be accepting of **TWO** of the following special needs:

- Reactive Attachment Disorder (RAD) diagnosis
- Oppositional Defiant Disorder (ODD) or Conduct Disorder diagnosis
- Post-Traumatic Stress Disorder (PTSD) diagnosis
- History of sexually inappropriate/acting out behaviour
- Fetal Alcohol Spectrum Disorder (FASD)
- Fetal Drug Effect (FDE)
- Global developmental delays (delays in three or more areas of development)
- Asperger's Disorder
- Deaf and/or blind
- Attention Deficit Hyperactivity Disorder (ADHD) diagnosis
- Down Syndrome
- Learning disability/special education
- Child 7 years and older
- Sibling group of three or more

And also be accepting of **TWO** of the following:

- Accepting of in-person contact with birth parents
- Globally delayed/cognitively delayed birth parents
- Birth parent(s) with psychiatric diagnosis
- Inheritable diseases

Refer the applicant to relevant training/resources to learn about special needs being considered. Discuss with the applicant how the special needs will impact the child and the family.

If the interested person meets the Criteria to Apply, ask the applicant to complete the Application to Adopt a Child [ADOP0059]. Enter the information on the electronic information system.

If the family has previously adopted and is reapplying, a new application and home study are required.

Where a sibling to a child currently placed for adoption with a family becomes available for adoption **and** the Permanency Placement – Adoption (PPA) family is identified as the preferred adoption placement, a thorough Addendum to Current and Approved SAFE Home Study [ADOP3771] to the current and approved SAFE Home Study is adequate. At the discretion of the region, Orientation to Caregiver Training (OCT) may be waived.

Requirements for Approval of Applicant to Adopt

Attendance at an Information Session

If a person expresses an interest in adopting, invite the person to an information session. At the session:

- give the person enough information to develop a realistic understanding of special needs adoption so that the person can decide whether to apply. Review a representative sample of children available for adoption and their special needs,
- explain the Criteria to Apply in detail,
- tell the person that OCT **must** be completed as part of the approval process,
- provide approximate time frames from application to approval, and
- provide information about the licensed agency, private direct and international adoption programs, if the person is not interested in special needs adoption.

Attendance at Orientation to Caregiver Training (OCT)

Advise the applicants that the training is mandatory and must be completed before an application to adopt will be approved.

If the applicants responded to a specific child featured in the media, the training **may** be condensed or accelerated as determined by the region.

Tell the person that the ministry examines the child's legal, social, cultural and identity ties and attempts to resolve any issues before the adoption placement. However, the Ministry cannot guarantee that new issues will not arise nor that some person will not make a legal challenge. These events could have an effect on the application for adoption.

Tell the person that approval as a prospective adoptive parent does not guarantee placement.

Documentation Requirements

Medical

Provide the applicant with a Medical Reference form [CS4600] to complete and return according to regional protocol.

Request further medical, psychiatric, or psychological reports as needed or recommended.

Costs are the responsibility of the **applicant**.

Criminal Record Check

A Criminal Record Check [CS1800], including a vulnerable sector check, must be completed on every person aged 18 or older who resides in the home.

At the time of approval, the current Criminal Record Check must not be more than one year old. Once approved, the Criminal Record Check must be updated every two years. During this time, ensure the dates of any new checks are updated in the electronic information system, and addressed in an Addendum to Current and Approved SAFE Home Study [ADOP3771].

The Criminal Record Check must be current within six months from the date that the adoption application is filed with the court.

The applicants are responsible for disclosing any new criminal charges or convictions.

NOTE: Review the Criminal Record Check policy for greater detail on the process and the evaluation of the information contained within the check.

Although a Criminal Record Check cannot be requested on a person under 18 years of age living in the home, during the home study process, inquire whether youths aged 12-17 have had any involvement with the legal system.

Intervention Record Check

An Intervention Record Check [CS2687] must be completed on every person aged 18 or older who resides in the home.

The Intervention Record Check must be updated every 2 years during the waiting period. Ensure that the dates of new checks are updated in the electronic information system.

The Intervention Record Checks are completed in Alberta (or in another child welfare jurisdiction, if applicable) and determine:

- whether the applicant has caused a child to be in need of intervention; or
- whether the applicant's child has been found to be in need of intervention.

If the Intervention Record Check reveals previous involvement, complete the following:

- thorough review of all relevant information, including the file documentation,
- personally contact each previously involved case worker,
- record all contacts and findings,
- consult with the supervisor,
- document the findings on the file, and
- if the results of the Intervention Record Check are unsatisfactory, do not proceed with the home study report.

If information provided by the applicant suggests that the applicant maintains contact with a relative who may have caused a child to be in need of protection a further Intervention Record Check on the relative **may** be appropriate.

- Collect and disclose to the applicants only the necessary information that is important for them to know if it would assist them in making the best choices to protect any adopted child placed in their home.
- Such discussion should occur during the home study process and as much information as possible should first be obtained from the applicants, if known, before disclosure is made.
- All such findings need to be reviewed on a case by case basis with the supervisor.

Other Documents

Include the following original or notarized documents with the home study report, as applicable:

- marriage certificate or the equivalent (must be a legal document)
- financial information, including income and expenses
- divorce documents
- death certificate of a former spouse
- change of name certificate, if applicable

Request a photocopy of the applicants' birth certificates to confirm legal names.

> **NOTE:** Original and notarized documents become a part of the court file and are not returned to the applicant.

Also include the following with the home study report:

- photographs of the applicants, unless applying to adopt a child already placed in their home, and
- any written statements and videos that the applicants provide.

Home Study Report

Once documentation requirements are met, proceed with a Structured Analysis Family Evaluation (SAFE) Home Study Report.

During the home study process, provide the applicants with information about adoption.

Advise the applicants that one parent is encouraged to remain at home for at least three months after placement of a child to promote bonding.

Confirm in the report that the applicants attended Orientation to Caregivers Training.

> **NOTE:** Review the Home Study Report policy for greater detail on the process and the evaluation of the information gathered.

A Genogram [CS1895] may be used as a tool.

References

Each adoptive applicant must provide a minimum of three (3) references.

- One reference must be a relative of that particular applicant.
- Mail a SAFE reference form to each reference and ask that it be returned directly to the identified regional contact.
- Interview each reference via telephone.
- If the information causes concern, have a face-to-face interview with the reference.
- Use the information from at least three references for each applicant to complete the home study report.
- The same person may provide a reference for each applicant, if they know each applicant.

Do not include any information that might identify the reference to the adopting parent.

Notification of Changes to Circumstances

Advise the applicants to notify the case worker of **any** change in their circumstances following approval, including changes to:

- residence,
- marital status,
- family membership,
- employment,
- health,
- type of child desired, and
- a pregnancy.

As noted above, the applicants must also advise the caseworker of any new criminal charges or convictions or new involvement with child intervention services.

Related Information

3.2 Home Study Report

3.3 Criminal Record Check

5.5 Appeal Periods, Termination Periods and Reviews of Permanent Guardianship Orders by a Former Guardian

Addendum to Current and Approved SAFE Home Study [ADOP3771]

Application to Adopt a Child [CS0059]

Consent to Release Information [CS0470]

Genogram [CS1895] – paper form only

Medical Reference [CS4600]

Chapter 3: Adoption Home Approval

Section: **3.2 Home Study Report**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 5

Policy

A Home Study Report, and Addendums as required, are necessary to approve an adoptive family according to the requirements of the Structured Analysis Family Evaluation (SAFE) model.

Home study reports must be completed by a qualified professional, most often a Registered Social Worker or other professionals with relevant education and experience.

Purpose

A home study report is a comprehensive evaluation of family functioning and suitability to parent.

Alberta has implemented the SAFE model, which is a standardized and consistent method of assessing families who provide homes to children in government care. The SAFE model combines information gathering and analysis techniques that assist case workers to describe and evaluate a family, its characteristics, and capabilities. The flexibility of the SAFE model allows for consideration of the unique circumstances of each family.

The home study practitioner gathers and analyzes demographic, relational, and financial information and evaluates how family dynamics, applicant history, and the physical environment will impact the safety of a child placed in the home.

The home study practitioner must have a supervisor who provides:

- supervision throughout the home study process,
- confirmation that issues have been addressed, and
- confirmation of the practitioner's recommendation.

Procedures

The following documentation must be received and reviewed prior to a home study being assigned:

- medical reports for the applicants,
- three personal references for each applicant,
- results of Criminal Record Checks, including a vulnerable sector check, for each applicant and every person aged 18 or older who resides in the home, and
- results of Intervention Record Checks for each applicant and every person aged 18 or older who resides in the home.

Ask that an Intervention Record Check be completed in another jurisdiction when:

- an applicant has lived in Alberta for less than five years, or
- there is any reason to believe that the applicant may have caused a child to be in need of protection.

Once all documentation has been reviewed and the decision is made to proceed with the home study report, the home study is assigned to a case worker or a contracted home study practitioner.

Completion of the Home Study Report

Home studies take place in the applicants' home. A **minimum** of four interviews are conducted with the family and **must** include:

- joint interviews with the applicants,
- individual interviews with the applicants,
- individual interviews with others who reside or are frequently in the home, including children and other adults,
- interviews with references by telephone (or in person as necessary), and
- any other collateral contacts deemed necessary, with the applicants' written consent.

Proceed with the home study report when:

- the applicants have completed OCT, and
- information and supporting documentation from the application provides a positive indication to proceed.

Do not proceed with the home study process in the following circumstances:

- unresolved child protection concerns exist,
- convictions of a crime of a violent or sexual offence are found, or
- a newly established family unit relationship, e.g. new marriage or independent adult relationship and/or the addition of a child has occurred in the past 12 months.

Once the gathering and interview process is completed:

- the home study practitioner prepares a report according to the SAFE model and ensures that all areas of concern are thoroughly addressed,
- the applicants review the report for accuracy and sign the report, if in agreement that the information is accurate,
- the home study practitioner makes a recommendation to approve or not to approve the applicants for adoption,
- the home study practitioner's supervisor confirms supervision of the practitioner during the home study process and confirms agreement with the practitioner's recommendation, and
- the applicants are informed on the report that the director may accept or not accept the home study practitioner's recommendation.

Recommendation Regarding the Home Study Report

The recommendation to approve or not to approve the home study report is made by the home study practitioner. The home study practitioner may be an employee of Human Services or a contracted third party. The director does not dictate the recommendation of the home study practitioner.

The director has the discretion to accept the recommendation or not to accept the recommendation of a home study practitioner.

Accept Recommendation to Approve

The director confirms that:

- the director has read the home study report,
- the recommendation is based on the findings of the SAFE home study, Questionnaires I and II, and the supervisor's confirmation that the recommendation is congruent with the home study report, and
- the recommendation is accepted by the regional authority.

Document the above on a Contact Note [CS0072].

Accept Recommendation to Not Approve

If the home study practitioner does not recommend approval and the director accepts the recommendation, send the applicant a letter confirming this information.

Give the applicant a copy of the report, and record on file the date the report was provided.

Document the above on a Contact Note [CS0072].

Do Not Accept Recommendation to Approve

If the director does not accept the home study practitioner's recommendation to approve the home study report, the director provides written reasons why the director is not prepared to accept the recommendation.

Tell the applicants the decision, and give the applicants a copy of the report and the rationale for not accepting the home study practitioner's recommendation.

Document the above on a Contact Note [CS0072].

Role of Adoption Services

Adoption and Permanency Services is responsible for providing the adoption placement authority for the children who are referred for provincial matching. As such, Adoption Services makes the final determination regarding the matching of children.

If a regionally approved family does not appear to be suitable for matching purposes, the family will not be considered for matching until the region addresses concerns identified to the region by Adoption Services.

Administrative Review

Applicants not approved for adoption do not fit the criteria for an administrative review as identified in s.117.1(1)(d) of CYFEA.

If a foster parent has made an application to adopt a child who is already in their care, but their adoption home study was not approved, the foster parent may request an administrative review.

A kinship care provider whose adoption home study has not been approved may only request an administrative review if the child has been in their continuous care for more than 6 of the previous 12 months immediately preceding the decision to not approve the adoption home study.

Follow-Up

Once an adoption home is approved:

- advise Adoption Services that the applicants have been approved for adoption and provide their I.D. number,
- send the original pictures or videos provided by the applicants to Adoption Services only if the applicants are not adopting a child in their home on a foster or kinship care basis,
- retain the original report and all original documents, such as the marriage or divorce documents, on file, and
- update the Adoption Facility Status to "approved" in the electronic information system.

Related Information

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

SAFE templates at the SAFE Home Study

Section: **3.3 Criminal Record Check (Adoption)**	Issue Date: October 1, 2011
Subsection:	Revision Date: June 15, 2012
	Page 1 of 4

Policy

The results of a Criminal Record Check, including a vulnerable sector search, are required for each applicant and every person aged 18 years or older who resides in the home. The Criminal Record Check must be current within one year of the completion of the home study.

The completion of a Criminal Record Check is a requirement of the home study necessary to approve an adoptive family.

Procedures

Applicant Criminal Record Check

When completing a Criminal Record Check:

- Advise the applicants that each applicant and every person who is aged 18 years or older living in the home must provide the results of a Criminal Record Check [CS1800], including vulnerable sector search, before the home study begins. This includes tenants or relatives who are renting property and have open access to the applicants' home.
- Provide the applicants a Criminal Record Check form. Tell the applicants to take the completed form and personal identification to the local RCMP or city police station. Ask the applicants to return the Criminal Record Check to the identified regional contact. Costs are the responsibility of the applicants.
- Advise each applicant that having a criminal record does not necessarily prevent approval, as the nature and circumstances of the offence are considered.
- Advise each applicant that following approval of their SAFE Home Study, the Criminal Record Check must be updated every two years.
- Advise each applicant that the actual criminal record documentation will be reviewed and included in the package submitted to the Court of Queen's Bench when the adoption application is filed.

- Assure the applicants that their privacy will be protected and the information will be managed according to the *Freedom of Information and Protection of Privacy Act* (FOIP).
- Advise each applicant that providing false information or failure to disclose a criminal conviction will impact their application status. Discovery of such action will result in the application being placed on hold for review.

Results of the Criminal Record Check

If an applicant returns documentation confirming that no record exists, document the information in the adoption file and continue with the process.

If an applicant or an adult residing with the applicant has been convicted of an offence of a violent or sexual nature against a child or adult (including internet luring, child pornography, sexual assault, or homicide), the application **will be denied**.

A Vulnerable Sector Record Search is required for each applicant and every person aged 18 years or older who resides in the home.

> NOTE: Even if a pardon has been granted for an offence of this type, the Vulnerable Sector Record Search portion of the Criminal Record Check will result in the disclosure of this information.

Evaluating the Information Where a Criminal Record Exists

Each case where there is a criminal record must be evaluated on its own merits (except where the applicant has been convicted of a violent or sexual offence against a child, as the application will be denied) in consultation with a manager. Advise the applicant that their application for adoption may be delayed or put on hold while the evaluation is ongoing, where the record shows a charge that has not yet been disposed of or a conviction.

Request that the applicant obtain the detailed circumstances of the recorded offence(s) from the police, which should include:

- a written description of the offence(s),
- details of the initial charges, any subsequent charges, and any plea bargaining, and
- any resulting convictions and sentence.

The manager **must** be consulted for continued evaluation when an applicant has a criminal record. The manager will make the final decision and document it in the file.

The evaluation of an applicant's criminal record should consider:

- the nature of the offence(s) and relevance to the care of children,
- when the offence(s) occurred, the number of offences, and the amount of time between offences and recurrences,
- what steps the applicant has taken toward rehabilitation,
- the age of the victim and the relationship of the victim to the applicant,
- the age of the applicant at the time of the offence(s),
- whether or not a pardon has been issued to the applicant for any offence(s) revealed by the "Vulnerable Sector Record Search" part of the Criminal Record Check,
- any social circumstances that may have contributed to the commission of the offence(s),
- the appropriateness of the home given this information, and
- the appropriateness of completing the home study.

Direct any legal interpretation questions to the Social Enhancement Legal Team, not to the police.

Decision and Recording

Once a decision is made regarding an application where there is a criminal record:

- Document the rationale for accepting or denying the application on Contact Notes [CS0072] and/or the contact log, and document the relevant results of the Criminal Record Check in the applicant's file.
- Notify the applicant of the decision in writing.
- If the application is denied, provide the applicant with written rationale for the decision, including what factors were evaluated in the decision-making process.
- Return the original documentation to the applicant.

Criminal Record Checks for Children in the Home

The director cannot request a Criminal Record Check on a person under the age of 18 years living in the home. However, during the home study process, the director may ask whether children aged 12-17 have had any involvement with the legal system.

If a child living in the home has a criminal history, proceed with the home study only if the healthy development of an adopted child would not be placed at risk.

Related Information

Criminal Record Check [CS1800]

Section: **3.4 Post-Approval Services**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

All approved adoptive families must have up-to-date information on file in order to be considered for matching with children referred for adoption.

During the waiting period:

- Maintain regular contact with the family and address any questions or concerns. Provide them information on the activity on their file in relation to the matching process.
- Inform Adoption Services about any significant change in the applicants' circumstances and provide an Addendum to Current and Approved SAFE Home Study [ADOP3771], as required.

Procedures

Annual Addendum

Addendums are required annually when the family has not received a placement or when there are significant changes in the family's circumstances.

Face to face contact is required to complete an Addendum.

If a family has not had an Addendum completed within 18 months of their approval date, their file will be deferred until the Addendum to Current and Approved SAFE Home Study [ADOP3771] is completed.

The Addendum to Current and Approved SAFE Home Study [ADOP3771] is not to be used for families seeking to be re-approved for adoption following a placement, except in cases where a family wishes to adopt a sibling to a PPA child in their home whose adoption has not yet been finalized.

If the family wishes to reapply for another adoption following a placement and finalization, a new home study must be completed.

Significant Change Addendum

Advise the applicant to notify the case worker of any significant change in their circumstances that occurs during their process to adopt.

If the applicant notifies the case worker of a significant change, inform Adoption Services and provide an Addendum to Current and Approved SAFE Home Study [ADOP3771].

Significant changes include, but are not limited to:

- pregnancy,
- birth of a child,
- death of a spouse,
- adoption through the private or international programs,
- absence from Alberta,
- poor health,
- criminal charges,
- financial problems,
- marital or adult interdependent relationship issues, and
- changes to the "Child Desired".

Defer

If the applicant is unavailable for matching due to a significant change or any other reason, defer the matching until the situation is resolved and the family is available for matching again.

To defer matching, submit a written request identifying the reason for the deferral to Adoption Services.

To reactivate the application, complete an Addendum after the situation has stabilized, and submit it to Adoption Services.

Birth, Private or International Adoption

If the applicant gives birth or receives a private or international adoption placement, and still wishes to adopt a child in government care, defer matching until the family has adjusted to the new member.

Adjustment usually takes about 12 months, unless the child has been in the home on a foster care or kinship care basis prior to the adoption.

Complete an Addendum to Current and Approved SAFE Home Study [ADOP3771] to update the family situation and submit to Adoption and Permanency Services when the family situation has stabilized and they are once again available for matching.

Marital Change

If an approved prospective adoptive parent changes marital status while waiting for a placement, complete a new home study report, according to SAFE, once the change is stable.

A placement will be considered only after a new home study report indicates stability. Stability can usually be established between 8 to12 months from the time of the change in status.

Criminal Record Check

Have each applicant and any other person 18 years of age or older living in the home complete a Criminal Record Check [CS1800] every two years while waiting for placement.

Provide information from the Criminal Record Check with the Addendum to Current and Approved SAFE Home Study [ADOP3771] and forward to Adoption Services.

Closure of an Approved Adoptive Home

An approved home may be closed at the request of the applicant or if some other information indicates that approval should be ended.

If the closure is not at the applicant's request, consultation with a supervisor must occur prior to closing the home.

Closure of an Approved Adoptive Home After Adoption Finalization

To close an approved home:

- Notify the applicant of the closure and return any documents and photographs by registered mail.
- Send Adoption Services written notice of the closure, with a copy to the regional adoption specialist.
- Update the electronic information system to reflect the closure.

An approved home **must** be closed when an adoption order has been granted for a PGO/PGA child. If the family plans to adopt again, they **must** reapply and a new home study will be required.

Recording

Retain copies of updates or addendums on the adoption file.

Document any supervisor consultation on Contact Notes [CS0072] and/or the contact log.

Related Information

3.3 Criminal Record Check

SAFE templates at the SAFE Home Study

Addendum to Current and Approved SAFE Home Study [ADOP3771]

Contact Notes [CS0072]

Criminal Record Check [CS1800]

Chapter 4: Access

Section: **4. Access**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Policy

Access to the child by previous guardians or birth family may continue after the permanency placement – adoption (PPA), if it is in the best interest of the child.

Procedures

Make a Determination about Access

If a child under permanent guardianship status has access with the birth parent(s), determine whether continued access is in the best interest of the child.

Decisions regarding access must be made in consultation with a supervisor and other involved professionals.

Continuing Access

If it is determined that access is in the child's best interest:

- include this information in the matching referral of the child,
- request matches only with families who will accept access,
- at the time of information sharing, include the adoptive parents in the discussions with respect to their willingness and ability to maintain access after the adoption,
- during the PPA period, negotiate access between the adoptive family and those who have access to the child,
- if the child is being considered for adoption placement by the foster family or kinship care provider, prior to establishing PPA, discuss access implications and the family's willingness to maintain access, and
- the adoptive parents must include a statement that they will honour access provisions as part of their affidavit when the adoption application package is presented to the Court of Queen's Bench.

NOTE: Once an adoption order is granted, the adoptive parents determine access. As the adoptive parents become the parents of the child for all purposes, continued access cannot be guaranteed.

Access Not to Continue

If it is determined that continued access is not in the best interest of the child, and if that access is pursuant to a court order, a Notice and Application [CS3528] may be made in Provincial Court to terminate the access order before referring the child for adoption matching.

NOTE: If the Permanent Guardianship Order is silent about access, and there has been no access, include a statement to this effect in the Special Affidavit.

If there has been access during Permanent Guardianship such as telephone calls, inquiries, goodbye visits, or informal visits and access will not continue after placement, conclude this informal access before making the matching referral. Include a copy of the concluding letter in the court documentation.

Information regarding telephone calls, inquiries, goodbye visits, or informal visits must be disclosed in the court documentation so the court can determine whether notice to the former guardian or other person should be given.

Regardless of whether access will continue, birth parents who have had continued access after Permanent Guardianship status must be served with a Notice of Objection to an Adoption [ADOP3475].

Service of Notice

Persons with access to the child must be served with notice that there is an adoption application, and a Notice of Objection to Adoption [ADOP3475].

If a birth parent files a Notice of Objection with the court, the birth parent must be served with a Notice of Adoption Hearing [ADOP3515].

NOTE: If unclear what constitutes continued access, obtain a legal opinion on a case by case basis.

Related Information

10. Adoption Finalization

Notice and Application [CS3528]
Notice of Adoption Hearing [ADOP3515]
Notice of Objection to an Adoption [ADOP3475]

Chapter 5: Adoption Matching

Section: **5.0 Adoption Matching Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Overview

This section describes the process of matching a child under permanent guardianship with an adoptive applicant including:

- referring a child,
- media recruitment,
- selecting an adoptive home,
- matching a child who has registered Indian status or Métis status,
- legal risk, and
- inter-regional conferencing.

Related Information

5.4 Registered Indian or Métis Child

Consent to Appear in the Media [ADOP3442A]

Cultural Connection Plan [CS4028]

History of Adoptive Child – Mother and Father [ADOP1373]

Inter-Regional Conference Checklist and Consent to Place a Child for Adoption [ADOP3769]

Media Recruitment Information [ADOP3442]

Medical Report [CS0006]

Métis Settlement Affiliation Request [CS4014]

Permanent Guardianship Agreement [CS1618]

Provincial Protocol for Adoption Media Recruitment

Chapter 5: Adoption Matching

Section: **5.1 Referring a Child**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
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Policy

If adoption is the permanency plan for a child, Adoption Services requires a matching referral for any child who is not being adopted by their current foster parents or kinship care providers.

To ensure that the best family is chosen for a child, all approved families in the province should be reviewed for suitability.

The Post Adoption Registry (PAR) must be contacted whenever there are previously adopted siblings to determine if a Sibling Registry Card has been completed by the adoptive parents.

For all children involved in adoption matching, a History of Adoptive Child – Mother and Father [ADOP1373] should be completed from the child's file as a copy is provided to the adoptive family, and another copy is provided to the PAR to eventually be accessed by the adoptee. As much detailed, but non-identifying, information as possible should be provided.

Procedures

Referring

A referral should be sent to Adoption Services when:

- a Permanent Guardianship Agreement (PGA) has been signed,
- a Permanent Guardianship Order (PGO) has been obtained,
- adoption is the permanency plan, and
- the child is not being adopted by foster parents or kinship care providers.

Referral Timelines

For children 0-6 years, submit the adoption referral package within two months after the 30 day PGO appeal period expires.

For children 7-18 years, submit the adoption referral package within three months after the 30 day PGO appeal period expires.

Referral Package Requirements

The following information and documents are required in the referral package:

- a copy of the Registration of Live Birth,
- a copy of either the Permanent Guardianship Agreement [CS1618] or the Permanent Guardianship Order,
- a copy of the Access Order or Termination of Access order, if applicable,
- information and status of any full or half-siblings who are in care of Human Services,
- a copy of the Medical Report [CS0006] with the physician's signature,
- a copy of the hospital birth record, if available,
- recommendations for matching,
- comments on the foster parents' understanding of and support for the plan of adoption for the child, and
- Consent to Appear in the Media [ADOP3442a] and Media Recruitment Information [ADOP3442]. This ensures children are profiled in the provincial Electronic Matching System (EMS). This will also expedite the media recruitment process if no suitable families are available.
- specific information on the ethnic origin of both birth parents (e.g. Irish/Polish), the court will not accept "Canadian" or "Caucasian"
  - if specific ethnic origins are unknown or unavailable, or if there is a background including any possible Aboriginal heritage and an AANDC/Métis check has not yet been completed:
    - complete an Indian Status Check by forwarding a letter to the Aboriginal and Northern Development Canada, Adoptions Unit, Ottawa using Registered Indian Status Check Request for a Child with a Permanency Plan of Adoption [ADOP0011], and
    - complete a Métis Settlement Affiliation Request [CS4014].
- a copy of the AANDC/Métis check responses, if applicable.

NOTE: An AANDC/Métis check should be completed for an Aboriginal child as soon as possible once a child is in the care and custody of the director, not at the time of the adoption referral.

Registered Indian or Métis Child

If the child is entitled to be registered or has registered Indian status, provide:

- detailed documentation regarding involvement of the First Nations Designate in adoption planning, and
- regional managerial consent that sufficient consultation has occurred, as required per s.67(1) and s.107.

If the child is Métis:

- a statement regarding the residency of the birth parents, and
- the results of consultation with Region 10 CFSA if the child is affiliated with an identified Métis Settlement.

Siblings

The Ministry supports the philosophy that siblings should be placed together, whenever possible.

If a group of siblings is referred for adoption, Adoption Services makes every effort to propose matches where the children can be placed in the same adoptive home.

Approval to Separate Siblings

Obtain approval from the regional designate, if the plan is to place siblings under permanent guardianship status in different adoptive homes.

Contact with siblings is encouraged; it must be considered in the matching process and arranged prior to the granting of the adoption order.

Contact with the Post Adoption Registry

Sibling Registry

If a sibling to the child being referred was placed for adoption, contact the PAR to determine whether the adoptive parents are registered with the Sibling Registry.

If the adoptive parents are registered with the Sibling Registry, the PAR sends a copy of the registration card to the case worker.

Adoptive Parents Registered

If the adoptive parents are registered, the PAR will advise and forward the information on the Sibling Registry Card to the caseworker. If the adoptive parents have indicated their interest in fostering or adopting a sibling to their child:

- Request a copy of their previous home study report from the PAR
- Consider the family for placement.

NOTE: Registering with the Sibling Registry **does not** assure placement. In addition to families of previously adopted siblings, other placement options may be assessed to determine a suitable match for the child.

If the adoptive parents are registered but are not interested in adopting the sibling to their child:

- determine if the adoptive parents will consider contact between the siblings, and
- record the information on the child's file.

NOTE: If the adoptive parents are registered they must be contacted about sibling contact, even if the family is not considered for placement of the child.

Adoptive Parents Not Registered

The Manager, Post Adoption Registry advises the director if the adoptive parents are not registered with the Sibling Registry.

If the director wishes to consider the family, even though they are not registered with the PAR, advise the Manager, Post Adoption Registry. The Manager can make contact with the adoptive parents to determine their interest in the sibling.

If, after contacting the family, the director wishes to pursue the family as a resource for the child and the family wants to proceed with adoption, record this information on the child's file. A copy of the home study report may be requested from the PAR.

If the decision is made by the director or the family not to proceed with adoption, record this decision on the child's file without identifying the family. Return the family's information to the PAR.

NOTE: If the family has not registered, it is not necessary to contact them regarding sibling contact.

All information provided by the registry must be returned within 60 days, unless special permission is obtained to retain it for a longer period of time.

Related Information

5.4 Registered Indian or Métis Child

2.1.1 First Nations Designate (Enhancement Policy Manual – Intervention)

2.2.1 Métis Resource (Enhancement Policy Manual – Intervention)

Consent to Appear in the Media [ADOP3442a]

History of Adoptive Child – Mother and Father [ADOP1373]

Media Recruitment Information [ADOP3442]

Medical Report [CS0006]

Métis Settlement Affiliation Request [CS4014]

Permanent Guardianship Agreement [CS1618]

Registered Indian Status Check Request for a Child with a Permanency Plan of Adoption [ADOP0011]

Section: **5.2 Media Recruitment**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

Media recruitment may be used when there is no approved adoptive home available for a child who has been referred for adoption matching.

Regional consent is required.

Procedures

Complete the child specific Consent to Appear in the Media [ADOP3442a] and the Media Recruitment Information [ADOP3442] to feature a child on television, the Adoption Website, the internal Electronic Matching System (EMS), newsletters and newspapers.

Profiling a Child in the Media

The following processes must be followed to profile a child in the media:

- Meet with the child's caregivers to discuss adoption and the adoption media recruitment process. Ensure that the caregivers are aware that adoption is the permanency plan, the type of recruitment methods which will be used and implications of those choices. Include the caregivers in the media recruitment plan and in preparing the child for adoption.
- Meet with the child, where age and developmentally appropriate, to explain adoption and the process of finding an adoptive home.
- Explain the consent form to children who are 12 years of age or older and discuss the implications of media exposure. Children who are 12 years of age and older must provide written consent to be featured in the media.
- Children who object to their personal information being featured in the media will not be profiled.
- The caseworker, supervisor and manager provide written consent [ADOP3442a] and caregivers sign the form to acknowledge that they have been informed about the adoption plan and the media recruitment process.

- The names of the newspapers, bulletins, newsletters, adoption fairs/ parties where the children's profiles will be featured and the location/ displays where brochures/posters will be distributed must be specified. Any avenues to profile a child that differ from those commonly used by the Ministry must first be approved by Adoption Services.

Adoption Media Recruitment Process

Media Recruitment Methods

The following adoption media recruitment methods are used by Human Services:

- television programs that target all Albertans,
- adoption website (picture, profile, video),
- Electronic Matching System (EMS) (picture, profile),
- Ministry and regional CFSA websites (picture, profile, video),
- major newspapers and community newspapers that target all Albertans (picture, profile),
- newsletters that target all Albertans (picture, profile),
- Adoption Fair (picture, video),
- brochures/posters featuring pictures/profiles of the children,
- Adoption Council of Canada Website, and
- Adoption parties.

Media recruitment in magazines or newsletters that target advocate or lobby groups; or specific groups, must be referred to Adoption and Permanency Services for approval.

Approvals are made on a case by case basis, in the best interest of the children involved.

NOTE: Internet exposure is a publicly accessible form of recruitment and may result in further exposure to other forms of public media such as television, radio and newspapers. The children's friends, classmates, neighbours and birth family may see their profile and/or video on the internet, television or in the newspapers.

Preparing and Approving the Media Profile

- The caseworker forwards the completed forms to Adoption Services.
- A professional, current picture of the child should accompany the consent form. An original or digital photograph may be forwarded if a professional photo is not yet available.

- Adoption Services prepares the profile on the child from information provided in the adoption matching referral and Media Recruitment Information [ADOP3442].
- The profile is reviewed and approved in writing by the caseworker, and returned to Adoption Services.
- Adoption Services forwards the child's profile to the Human Services Quality Assurance Team and to an appointed coordinator of the Information and Privacy Office for final review and approval. **No picture/profile of a child is to be featured in any form of public recruitment without these approvals being in place.**
  - S.126.2(1) stipulates a ban on the publication of information that may identify a child who has come to the attention of the director.
  - However, s.126.2(2)(a) allows the director to consent to the publication of information if the publication is in the best interests of the child. The authority to consent to publication is set out in the Delegation Schedule.
- When a child to be featured has or is eligible for Registered Indian status, the band must be consulted regarding media recruitment.
- When a child to be featured has or is eligible for affiliation with a Métis Settlement, Region 10 must be consulted regarding media recruitment.

Removing the Media Profile from Public View

Adoption Services will remove the child's profile from public view:

- upon notification that the child has been placed for adoption,
- at the written request of the caseworker,
- if the child's consent expires, or one has not been provided for a child turning 12 years old, or
- if the child's photograph and profile have not been up-dated for two years.

If the child's circumstances change prior to an adoption placement, all consents should be reviewed and reconsidered to determine if media recruitment is still appropriate.

A written request, including the reason to discontinue media and/or internet recruitment, is required from the child's caseworker. Forward the request to Adoption Services.

The caseworker, supervisor and manager will be informed when the profile has been removed.

Related Information

Consent to Appear in the Media [ADOP3442a]

Media Recruitment Information [ADOP3442]

Provincial Protocol for Adoption Media Recruitment

Chapter 5: Adoption Matching

Section: **5.3 Selecting an Adoptive Home**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

Adoption Services provides potential matches for a referred child from a bank of approved adoptive families, if the child is not being adopted by their foster or kinship parents. The child's caseworker makes the final matching selection.

Procedures

Role of Adoption Services

Upon receiving an adoption referral, Adoption Services:

- immediately informs the child's caseworker if additional information or documentation is required to start the matching process,
- identifies prospective adoptive families for the child, and
- advises the caseworker to access the families' home study reports through Alberta's electronic information system.

When proposing matches, Adoption Services considers the child's:

- age,
- gender,
- health,
- religion,
- racial origin,
- special needs, including medical/psychiatric diagnosis, behavioural and emotional problems, developmental needs, history of loss/trauma, and resources required,
- family history,
- continued access between the child and significant others,
- legal risk,

- siblings, and
- opinion, if age and developmentally appropriate.

Adoption Services attempts to select adoptive parents of the same race or cultural background as the child, when they are able to meet the child's needs.

If racial/cultural compatibility is not possible, Adoption Services selects parents who are willing and able to respect and encourage the child's cultural heritage.

Other matters to be considered in matching a child for adoption are:

- all placement options for the child, including:
  - extended family
  - placement with a previously adopted sibling, foster parents, kinship care parents
- any existing relationship between the child and a potential adoptive family,
- the result of consultation with the Band/Métis Settlement if the child is of Aboriginal descent, and
- featuring the child in the media to recruit an adoptive family.

Unofficial Matches

Adoption Services selects prospective adoptive families (unofficial matches) and advises the caseworker to access the families' home study reports through Alberta's electronic information system.

The caseworker for the child:

- contacts the caseworkers for the selected families and chooses one family in consultation with the family's caseworker, according to regional protocol,
- provides feedback to Adoption Services within three weeks regarding the home studies reviewed but not selected, in order to provide feedback to the family's worker,
- requests further unofficial matches from Adoption Services, if none of the families are appropriate, and
- proceeds with media recruitment, if there are no additional homes.

Official Matches

If a suitable family is identified, the child's caseworker requests an Official Match from Adoption Services.

Adoption Services:

- reviews the requested Official Match and identifies any outstanding documents or information to be provided, or barriers to the match,
- requests confirmation that both the child's caseworker and the family's caseworker support the Official Match, and
- provides the placement authority to proceed with the match.

Contacting the Family

The prospective adoptive family is contacted only after the child's caseworker has received the adoption placement authority (Official Match) from Adoption Services and only after the appeal period has expired, unless proceeding with a legal risk placement.

In instances where the family lives in another region, the family should be contacted only after the inter-regional protocol has been completed and the sending and receiving managers have approved the match.

If the family lives in another region, refer to the inter-regional policy.

Expedite the conferencing process in cases of an infant placement.

The family's caseworker contacts the prospective adoptive parent and inquires whether there are circumstances in the family that might prevent placement, e.g. pregnancy, birth of a biological child, private adoption placement, separation, divorce, etc. If placement is appropriate, the caseworker tells the prospective adoptive parent about the proposed match and provides non-identifying background information.

If the family is interested, arrange a meeting to provide non-identifying information about the child's background. Provide:

- History of Adoptive Child – Mother and Father [ADOP1373], which includes:
    - reasons the child came into care, prenatal history, any known or suspected pre-natal alcohol or drug exposure, medical history, school history, special needs and resources required, behaviour, ongoing access, cultural and identity issues, and any legal risk,
    - non-identifying information about the child's birth parents and siblings, and
    - non-identifying information regarding access provisions.

Discuss the emotional and psychological effect on all family members if the child is HIV positive or has a high-risk background.

If, after reviewing the preliminary information, the family wants to proceed, arrange meetings with the child's care giver and meetings or contacts with involved professionals such as teachers, psychologists and medical personnel to help the family make an informed decision.

Family Not Accepting Match

If the prospective adoptive family chooses not to accept the proposed child, the placement caseworker:

- immediately informs Adoption Services, and
- provides reasons why the match was rejected.

NOTE: The family's caseworker **must** clarify the family's child desired information in an Addendum to Current and Approved SAFE Home Study [ADOP3771] before another match is proposed.

Family Accepting Match

Once the selected family agrees to proceed, begin preparing for the placement. Placement should occur within 60 days if at all possible.

Related Information

4. Access

5.6 Inter-Regional Conferencing

Addendum to Current and Approved SAFE Home Study [ADOP3771]

History of Adoptive Child – Mother and Father [ADOP1373]

Section: **5.4 Registered Indian or Métis Child**	Issue Date: October 1, 2011
Subsection:	Revision Date: May 1, 2014
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Overview

An adoption order does not affect a child's registered Indian status. However, if the adoptive parent is also a registered Indian, that parent may apply to their Band to have the child's membership transferred.

If a registered Indian adopts a non-Indian child, the child may be eligible for registration.

Procedures

Aboriginal Child

Permanency for an Aboriginal child is enhanced by lifetime relationships with the extended family and other community members. In this way, a child may live with placement providers approved by the director, various family or community members while maintaining a sense of permanence. This is why it is a requirement to complete a Cultural Connection Plan for either adoption or private guardianship of an Aboriginal child.

Adoptive Homes for a Registered Indian or Métis Child

When seeking a permanent home for an Aboriginal child, select a placement from as high on the following list as possible:

1. extended family
2. same cultural and linguistic background
3. another Aboriginal family
4. a family who has already adopted an Aboriginal child and is willing and able to establish and maintain contact with people from the child's cultural background
5. any family who is willing and able to establish and maintain contact with people from the child's cultural background

Verifying Eligibility for Registered Indian Status

Once the child's permanency objective has been identified as adoption; and if the child's ethnic origin has not been identified or if there is a background which may include Aboriginal or Metis heritage; the worker must complete the Registered Indian Status Check for a Child with a Permanency Plan of Adoption [ADOP0011] and submit it to AANDC, Adoptions Unit, Ottawa to complete a thorough search of Indian Registration records.
Submit the completed form to:

Manager, Adoptions Unit
Aboriginal Affairs and Northern Development Canada
Adoption Unit (18K)
10 Wellington Street
Ottawa, ON K1A 0H4
Fax: 819-994-6096

First Nations Designate

S.67 requires the director to involve the First Nations designate (designate) in decision-making for an Indian child who is being adopted.

S.107 requires the director to involve the designate in planning for services to be provided for an Indian child while the child is receiving services under CYFEA.

NOTE: Per s.107(7), the requirement to involve a designate does not apply where a Delegated First Nation Agency is case managing the file.

Involve the designate in making a permanency plan for an Indian child. Keep detailed records of the involvement of the designate as these are needed for the special affidavit.

Ensure that the worksite manager reviews the involvement of the designate and determines that the legislative criteria have been met, prior to referring the child for adoption matching.

Involvement of a Métis Resource

If a Métis child under a PGO or PGA is from an identified Métis Settlement, consult with Region 10 CFSA prior to referring the child for adoption.

If affiliation has not been determined for a Métis child, submit a Métis Settlement Affiliation Request [CS4014].

Family Proposed

If the First Nation or Métis Settlement proposes a permanent family, inform Adoption Services whether the family is proposed for adoption or private guardianship. If the plan is adoption, immediately register the applicant and proceed with the Orientation for Caregiver Training and home study report. If the applicant resides in a different region than the child, contact the regional designate to commence the adoption process.

Confirming Child's Status to Adoptive Parent

When a child with registered Indian status is placed for adoption, the caseworker confirms the child's status to the adopting parent in writing and recommends the parents contact AANDC for information regarding registration and any benefits for which the child is eligible.

If a Métis child is from an identified Métis Settlement, the caseworker confirms this to the adoptive parents in writing and recommends they contact Region 10 for information regarding any benefits for which the child may be eligible.

Registrar, Indian and Northern Affairs

Once an adoption order is granted, the Clerk of the Court sends a copy of the order to Adoption Services and to the Registrar, Aboriginal and Northern Development Canada. The Registrar sends the adoptive parent a letter confirming that the child is registered on the "A", or adoptive list, under the new name.

Upon receiving the order, the Registrar:

- removes the child from the biological parent's registration,
- registers the child separately in the new adoptive name, and
- removes the child's name from the published band list.

If the child is adopted by a registered Indian, the child may be registered under the adoptive parent's registration. The parent may apply for band membership of the child.

Upon reaching 18, the adopted person may obtain the registration number and band name from the Registrar by submitting a written request.

Benefits

Advise the adoptive parent to consult with AANDC to determine what benefits are available for a registered Indian child. These benefits **may** include:

- education benefits at the post-secondary or university level

- non-insured health services benefits

Obtaining Health Benefits

Advise the adoptive parent about the process of obtaining medical coverage for a registered Indian child. To obtain coverage, the parent establishes a file with Non-Insured Health Services covered by the First Nations and Inuit Health Branch (FNIH) of Health Canada by sending a request to approve services. This request must include the child's birth date and a copy of the letter confirming that the child is on the "A" list. A treaty or band number is not needed.

The parent sends the letter to:

Non-Insured Health Benefits
First Nation and Inuit Health Branch
Health Canada
9700 Jasper Avenue, Suite 730
Edmonton, Alberta T5J 4C3

When requesting services, the parent:

- gives the service provider a copy of the letter confirming that the child is on the "A" list,
- except for prescriptions, provides FNIH a medical assessment that confirms the need for the service,
- obtains prior approval from the FNIH for orthodontic work, and
- if moving to another province, establishes a file with the local branch of FNIH.

Service providers contact FNIH for approval to provide services. Health and Welfare Canada pays the service providers directly.

Cultural Connection Planning

For any child that is aboriginal, prospective adoptive parents or private guardians must complete and submit a Cultural Connection Plan [CS4028] to the court at the time of the application.

NOTE: The cultural connection plan is not a requirement of the approval or matching process. It is a requirement for the prospective adoptive parent or private guardian to complete after the match has been made and prior to the court order being granted.

Related Information

2.1.1 First Nations Designate (Enhancement Policy Manual – Intervention)

2.2.1 Métis Resource (Enhancement Policy Manual – Intervention)

2.3 Cultural Connection Planning (Enhancement Policy Manual – Intervention)

Cultural Connection Plan [CS4028]

Métis Settlement Affiliation Request [CS4014]

Registered Indian Status Check for a Child with a Permanency Plan of Adoption [ADOP0011]

Section: **5.5 Appeal Periods, Termination Periods and Reviews of Permanent Guardianship Orders by a Former Guardian**	Issue Date: October 1, 2011
Subsection:	Revision Date: January 1, 2014
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Policy

A child is usually not placed for adoption with a family until the 30 day PGO appeal period or 10 day PGA termination period have expired and access issues have been resolved.

The expiration of these appeal and termination periods signal that permanency planning can proceed as the PGO or PGA status of the child has been finalized.

> NOTE: A child may be placed in an adoptive home prior to the expiration of the appeal period, on a case-by-case assessment. **The facts of the particular case may be such that they support immediate placement** to ensure that there is no unreasonable delay in establishing permanency for a child.

The child's guardian immediately prior to the current permanent guardianship order can apply to the court for a review of the permanent guardianship order to terminate the permanent guardianship order when:

- More than one year has elapsed since the 30 day period for appealing the PGO expired;
- If the PGO was appealed within the initial 30 days, more than one year has elapsed since the appeal was disposed of; or
- More than 2 years has elapsed since the last application by the former guardian under this section was disposed of.

Procedures

The caseworker should advise all prospective adoptive parents of the possibility that a former guardian may initiate a review of the PGO in an attempt to regain guardianship.

The caseworker should:

- Discuss the particular case with the prospective adoptive parents underscoring the director's permanency plan, namely adoption, and the reasons why the director sees adoption as the permanency plan over long term foster care or family of origin reunification.

The caseworker may place a child before the appeal period expires (PGA – 10 days; PGO – 30 days) and during an appeal. The caseworker must:

- Determine if the facts of the particular case warrant such a placement,
  - is there a high likelihood that the PGO will not be overturned?;
  - are there special factors which support this type of placement in the best interests of the child?
- Discuss with the prospective adopting parents that there is a potential, no matter how strong the facts may appear in favour of the PGO, that an appeal may be successful and the PGO overturned, and
- Obtain written approval from the supervisor and manager

In the case of a PGA, placement should not be considered if a previous guardian is:

- ambivalent about the PGA,
- planning to seek termination of the PGA, or
- If the birth father is unknown, cannot be located, or there are compelling reasons not to involve the birth father.

In the case that access issues have not been resolved, but placement is appropriate, adoptive parents must be informed and accepting of the access issues.

However, once an adoption order is granted, the PGO and any access order is terminated and the adoptive parents determine access, as the adoptive parents become the parents of the child for all purposes.

In the case where a former guardian brings an application to review a Permanent Guardianship Order under section 35.1 and a child has been placed in an adoptive home but the adoption has not been finalized:

- Inform the prospective adoptive parents who have the child on an adoptive basis (PPA)
- Suspend the application process or adjourn any court proceedings for adoption finalization until you have had an opportunity to consult with legal counsel for the director.

Related Information

4. Access

5.3.5 Review of a Permanent Guardianship Order by a Former Guardian – Intervention Manual

Section: **5.6 Inter-Regional Conferencing**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

To ensure that the most appropriate family is chosen for a child, all approved families in the province should be reviewed for suitability.

Inter-regional matching of a special needs child requires procedures to ensure that the child's needs can be met by the prospective family and community, and to ensure an effective transition during pre-placement and post-placement.

Procedures

When arranging an inter-regional match of a child, complete the procedures outlined in Policy 5.3 Selecting an Adoptive Home and Policy 8 Preparing for Placement.

Consult

If the selected prospective family is in another region, consult with the receiving region according to regional protocols before contacting the family. Give priority to this consultation so that placement is not delayed.

Complete the Inter-Regional Conference Checklist and Consent to Place a Child for Adoption [ADOP3769] and arrange a teleconference with the child's and family's case workers, supervisors and the Adoption Regional Coordinator.

Worksite managers establish the inter-regional conference protocol, including those involved in the matching process. Give enough information to the manager so that an informed decision can be made about consenting to the Inter-Regional Placement.

Consent

If the match is appropriate, proceed only with the written consent of the originating and receiving managers.

Costs

The originating region covers all the pre-placement and placement costs until the child's master file is transferred. The receiving region is then responsible for all costs.

File Transfer

Transfer the master file to the receiving worksite within two weeks of the placement.

Related Information

Inter-Regional Conference Checklist and Consent to Place a Child for Adoption [ADOP3769]

Section: **6. Inter-Provincial Adoptions**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 4

Policy

Children may be placed in another province if it is in their best interest.

Most children who are referred for adoption are placed with adoptive parents in Alberta. CYFEA requires that applicants be residents in Alberta at the time of placement in order for the adoption application to be filed in Alberta.

Occasionally a child's needs can best be met by placement in another province. An example is placement with a child's aboriginal community or relatives.

In any inter-provincial placement, the sending and receiving provinces must coordinate the placement before the child moves.

Procedures

The following describes the procedures for processing an inter-provincial adoption of a child under the permanent guardianship of the director.

Placing a Child Outside Alberta

If a prospective adoptive home with a relative or an aboriginal community outside Alberta is proposed for a child under permanent guardianship, obtain permission from the regional manager to place the child outside of Alberta.

If permission is given, ensure a complete matching referral is forwarded to Adoption and Permanency Services.

Regional Inter-Provincial Co-ordinator

Refer the request to place a child outside of Alberta to the regional inter-provincial coordinator who:

- informs Adoption Services in writing about the proposed adoption and sends copies of all inter-provincial correspondence,

- ensures that an adoption referral package has been forwarded to Adoption Services,
- forwards pertinent information about the child to the receiving province and requests a home study report be completed on behalf of the identified family,
- provides the home study report to Adoption Services and to the caseworker who, along with the casework supervisor, decide whether to pursue placement,
- informs the other province of the decision to proceed,
- ensures placement authority is requested and provided by Adoption Services, if the decision is made to pursue placement,
- negotiates the placement process, including pre-placement related costs, and supervision during the permanency placement period,
- determines the documentation needed to petition the court in the receiving province, and
- co-ordinates benefits under the Supports for Permanency Program (SFP).

Once the child has been placed into the adoptive home, the inter-provincial coordinator:

- sends the receiving province all documentation and file information needed to supervise the placement; and
- sends all the original documents from the child's file, the consent of a director and all documentation required to the receiving province to finalize the adoption order.

The caseworker:

- advises Adoption Services of the date of placement and any new chosen names for the child.

Upon receiving confirmation the adoption order has been granted, the coordinator:

- informs the caseworker the order has been granted,
- forwards additional information/documentation to the receiving province for the Post Adoption Registry, and
- finalizes the Supports for Permanency Agreement [ADOP3652].

The caseworker:

- informs Adoption Services of the date of the Adoption Order and the location of the court that issued the order; and

- closes the child's file according to procedures established by Record Management.

NOTE: A sealed adoption record is not maintained in Alberta for an adoption granted outside of the province.

Out of Province Request for Adoptive Home

If another province is seeking an approved adoptive home in Alberta for a child, refer the request to Adoption Services, who will provide options for placement with a suitable family and refer the matter to the inter-provincial coordinator for the selected family's region.

If another province proposes to place a child for adoption with an identified family in Alberta who is not approved for adoption, refer the request to the regional inter-provincial coordinator.

The originating jurisdiction's consent is always required in cases where the child has permanent guardianship status in another province/territory and is being placed for adoption in Alberta.

Out of Province Private Adoption

If a birth parent lives outside of Alberta and wants to place the child privately with an Alberta family, either of the following consents is valid:

- the consent documents that are accepted in the birth parents' jurisdiction, or
- the consent documents that are used in Alberta.

The choice of consent is the decision of the consenting guardians. Consents can be completed by either a director's delegate or a lawyer.

Some provinces require the consent of their Minister to allow a child who is resident in their province to be adopted in Alberta through a private adoption placement.

Birth Registration

Once an adoption order is granted in Alberta, the Clerk of the Court of Queen's Bench is responsible for providing a certified copy of the granted adoption order to the jurisdiction where the birth was registered.

A revised birth registration may generally be obtained from the Canadian jurisdiction where the birth is registered.

To obtain an amended birth record from Quebec, the caseworker must arrange for a solicitor to present the adoption order of a PGA/PGO child to the Quebec Youth Court. The Quebec Court may order that the record be amended.

Related Information

1. Adoption Overview

Supports for Permanency Agreement [ADOP3652]

Chapter 7: Adoption by Foster Parents or Kinship Care Providers

Section:	**7. Adoption by Foster Parents or Kinship Care Providers**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
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Policy

Foster parents and kinship care providers may apply to adopt a child in their care if the child has permanent guardianship status.

Assist the foster parents or kinship care providers to develop an adoption plan to move from foster parent or kinship care provider status to adoption.

Procedures

Aboriginal Child

If the child is Aboriginal:

- ensure that the required Band or Métis Settlement consultation and involvement has occurred, and
- review the results of the required Band or Métis settlement involvement with the supervisor.

Assessing Suitability to Adopt

To assess the suitability of the foster parent or kinship care provider to adopt determine:

- the ability of the foster parents or kinship care providers to meet the child's physical, emotional, and social needs, until the age of majority,
- the foster parents' or kinship care providers' parenting skills, nurturing, and financial security,
- the foster parents' or kinship care providers' acceptance and support of the child's heritage, and the child's cultural plan, and
- the foster parents' or kinship care providers' willingness and ability to support the child's access to siblings or other biological family members, if that is the case plan.

Document the outcome on file.

When the Application to Adopt is Not Approved

If the foster parents or kinship care providers are **not** approved to be an adoptive home, ensure that the foster parents or kinship care providers are aware that they **may** have the option to pursue an administrative review.

- Kinship care providers may only request an administrative review if the child has been in their continuous care for more than 6 of the 12 months preceding the director's decision.
- Foster parents have the right to request an administrative review, if their application to adopt is not approved, regardless of the length of time that the child has been in their care.

The decision of the director to not approve a prospective adoptive parent(s) is **not** a decision that can be appealed by either foster parents or kinship care providers.

Application and Approval

If the foster parent or kinship care provider meet the criteria for adoption and have the support of the director's delegate:

- Complete all requirements under Policy 3.1 Application to Adopt but do not send a copy of the Application to Adopt a Child [CS0059] to Adoption Services.
- Complete a new Home Study Report according to the SAFE Model, if the foster parent or kinship care provider home study report is more than 2 years old, or was not completed according to the SAFE model.
- If the foster parent or kinship care provider home study report is less than 2 years old and was completed according to the SAFE Model, complete an Addendum to Current and Approved SAFE Home Study [ADOP3771], if the original home study is available with original signatures.
- Establish a permanency placement date of adoption (PPA) as soon as **all required documentation is in place to finalize the adoption order**.
- Continue paying the usual maintenance and skill fees until the adoption order is granted.
- **Within 90 days of establishing the PPA date, follow the procedures set out under adoption finalization.**

Related Information

5.4 Registered Indian or Métis Child

10. Adoption Finalization

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Addendum to Current and Approved SAFE Home Study [ADOP3771]

Application to Adopt a Child [CS0059]

Delegation of Powers and Duties to a Child Caregiver [CS1631]

Chapter 8: Preparing for Placement

Section: **8. Preparing for Placement**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

Pre-placement begins after the selected adopting family accepts the proposal for placement of a child. It is essential that the child and adoptive parents are well prepared for placement.

Procedure

Preparing the Family

In preparing a family for adoption:

- Provide the adoptive parent with as much information as possible to enable them to parent the child. Ensure that third party information is appropriately vetted from material so that only non-identifying information about third parties is provided.
- As much as possible, ensure that all the child's legal, cultural and social ties are addressed and resolved. Pay particular attention to Aboriginal issues. Do not guarantee that there will be no challenge to the placement.
- Develop a pre-placement plan for visits and integration of the child into the adoptive family.
- Address ongoing access issues with the adoptive family.
- Plan for post placement services.
- Provide details about the Supports for Permanency Program.
- Assess the behavioral and emotional needs of the child to determine what resources and supports the family will require.
- Advise the adoptive parents of the services and supports offered under the Supports for Permanency Program. The adoptive parents are eligible to receive basic maintenance payments from the date the child is placed until the Adoption Order is granted. If the child has behavioral or emotional problems, they may be eligible for additional supports.
- Refer the family to the Supports for Permanency Program.

- Arrange for a case worker from Family Support for Children with Disabilities (FSCD) to complete a preliminary assessment of the child to determine if the child may be eligible for services under the *Family Support for Children with Disabilities Act*. These services will be available to the adoptive parents following granting of the adoption order. If the child has a disability, adoptive parents are eligible for support services under the child's file until the adoption order is granted.
- Encourage the adoptive parents to remain at home for at least three months to promote attachment.

Preparing the Child

A child should be prepared for adoption well in advance of placement. In preparing a child for adoption:

- Build a relationship with the child.
- Provide the child with factual information, about coming into care and the reason permanent guardianship status was obtained.
- Discuss what adoption means.
- Encourage the child's participation in planning for the adoption placement.
- Involve the child in the selection process as much as possible.
- Once the family is selected and agrees to proceed, discuss the family with the child.
- Provide pictures of the proposed adoptive family and answer the child's questions.
- Move toward meeting the family once the child is ready.

Related Information

4. Access

5.3 Selecting an Adoptive Home

12.0 Supports for Permanency Overview

Chapter 9: Post Placement

Section: **9.0 Post Placement Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Overview

This section describes the procedures to follow after a child under permanent guardianship has been placed on a Permanency Placement – Adoption (PPA) basis with caregivers who intend to adopt.

Subjects in this section include:

- Permanency Placement-Adoption (PPA) Date
- Permanency placement period
- Special situations

Related Information

12.1 Supports for Permanency Program Services

7.2.2 Death of a Child (Enhancement Policy Manual – Intervention)

Contact Preference [PAR3575]

Delegation of Powers and Duties to a Child Care Giver [CS1631]

History of Adoptive Child – Mother and Father [ADOP1373]

Chapter 9: Post Placement

Section:	**9.1 Permanency Placement-Adoption (PPA) Date**	Issue Date: October 1, 2011
Subsection:		Revision Date: June 15, 2012
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Policy

The Permanency Placement – Adoption (PPA) period begins on the day that a child under permanent guardianship officially moves into a prospective adoptive home and ends when an adoption order is granted.

From the date of placement, the applicant assumes the parental responsibilities for the child according to the Delegation of Powers and Duties to a Child Caregiver [CS1631]. The director continues to be the child's guardian and must be informed of any issues that affect the best interests of the child.

Once the director signs a Consent by a Guardian to Adoption [ADOP2659] the prospective adoptive parents become joint guardians of the child per s.60 until such time as the consent is revoked, the order is granted or the petition is dismissed, the child leaves the care of the prospective adoptive parent due to a breakdown in the placement, or the court orders the termination of the joint guardianship status.

Procedures

On the day that a child is placed in the home, the placing case worker:

- Advises the adoptive parents that they are responsible for the child's medical care. The child is to be added to their Alberta Health Care and to their medical benefit plans.
- Ensures that the applicants have been given the necessary information to parent the child, which may include:
    - therapeutic progress reports
    - Medigene assessments
    - Psychological, neuro-psychological or psycho-educational assessments
    - Report cards

  - Medicals
  - Birth records
  - Foster parent reports (vetted for third party information)

- Ensures the family has a copy of the background and medical history of the child, including History of Adoptive Child – Mother and Father [ADOP1373] vetted for third party information, according to regional procedures.
- Addresses access issues if applicable.
- Gives the adoptive parents a completed Delegation of Powers and Duties to a Child Caregiver [CS1631] and ensures they are aware of their responsibilities.
- Informs Adoption Services and the regional designate of the placement date and provides the regional designate with documentation according to regional protocol.
- Informs the adoptive parents' case worker of the permanency placement date.
- Enters the permanency placement date on the provincial information system.
- Negotiates with the adoptive parents' case worker the supports that the child will receive during the PPA period.
- Informs and provides appropriate letters to the adoptive parents regarding benefits which may be available, such as Parental Benefits, and the Child Tax Benefit (CCTB). The CCTB may include the National Child Benefit Supplement and the Child Disability Benefit.
- **Ensures that the adoptive parents understand that they may apply for the federal Canada Child Tax Benefit only after the adoption order has been finalized.**

Related Information

Consent by a Guardian to Adoption [ADOP2659]

Delegation of Powers and Duties to a Child Care Giver [CS1631]

History of Adoptive Child – Mother and Father [ADOP1373]

Chapter 9: Post Placement

Section: **9.2 Permanency Placement Period**	Issue Date: October 1, 2011
Subsection:	Revision Date: June 15, 2012
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Policy

The length of the Permanency Placement Period is the time needed for the child and family to adjust to each other before finalization. The recommended Permanency Placement time frame is a maximum of eight months, unless an extension is negotiated. The Adoption Order is to be obtained without delay.

For children who have been in the home under foster or kinship care, the adoption petition should be filed in court within three months of the PPA date, unless an extension is negotiated.

Procedures

During the Permanency Placement Period, the placing case worker:

- transfers the child's file, within two weeks, to the worksite where the adoptive family lives, and
- records the reasons for any exception.

The receiving case worker:

- retains guardianship responsibilities during the PPA period,
- immediately notifies the local community health unit so services are offered to the family,
- contacts the adoptive family within one week of placement,
- visits the adoptive home within two weeks,
- has at least monthly contact with the child and family for the first three months of placement,
- supports the adoptive home and ensures that required resources are in place,
- informs the adoptive parent if any issue arises that could affect the granting of an Adoption Order,

- contacts the Family Support for Children with Disabilities (FSCD) case worker to assess the child's eligibility for services under the FSCD program,
- determines if the family requires maintenance according to the regulations under the Supports for Permanency program,

NOTE: Services under the FSCD program or SFP cannot commence until the adoption order has been granted.

- advises them to apply for any benefits which may be available through Human Resources Development Canada. **Adoptive families may apply for the federal Canada Child Tax Benefit (CCTB) only after the adoption order has been finalized. The CCTB may include the National Child Benefit Supplement and the Child Disability Benefit**.
- advises the adoptive parents to notify the adoption worker if:
  - the child's survival, security, or development is endangered,
  - the family's or child's circumstances change,
  - the family moves or is travelling outside of the province, or
  - the parent experiences difficulty parenting the child.
- advises the adoptive parents that they:
  - assume financial responsibility for the child,
  - should take the child to their chosen doctor for initial check-up, transfer previous medical records and arrange transfer of immunization records to the local Health Unit,
  - should register the child for an Alberta Personal Health Card and medical benefits,
  - may apply for the Canada Child Tax Benefit **only after the adoption order has been finalized**.
  - may obtain life insurance in the child's name, and
  - **Adoptive parents should direct any questions regarding claiming a child on their income tax to Canada Revenue Agency (CRA)**.

Maintenance

For maintenance and support services prior to and upon the Adoption Order being granted, see the Supports for Permanency Program policy.

Sibling Registry

Ask the adoptive parents to complete the Sibling Registry Card, and indicate if they would consider:

- adopting a sibling,
- fostering a sibling,
- contact between siblings, or
- if they are not interested in being contacted.

The adoptive parents have the option to mail the Sibling Registry Card to the Post Adoption Registry themselves, if it is not to be included in the package sent to the Post Adoption Registry.

Post Adoption Registry (PAR)

Tell the parents about the services of the PAR.

Identifying Information

Upon request from an adoptee or birth parent, the Post Adoption Registry may release identifying information, if:

- an adoptee 18 years of age or older requests, or
- a birth parent requests after the adoptee has reached the age of 18 years and six months.

Contact Preference

An adopted person, a parent, or any person named in the sealed adoption record may file a Contact Preference [PAR3575] with the Post Adoption Registry advising the manner in which they prefer to be contacted.

A Contact Preference does not prevent the release of identifying information from the sealed adoption record and is not binding.

Ongoing Information Exchange

If the birth parent expresses an interest in exchanging non-identifying information and pictures through the Post Adoption Registry after the child is adopted, determine whether the adopting parents are willing to exchange materials. Any arrangements should be made before the adoption order is granted.

Related Information

12.1 Supports for Permanency Program Services

Consent by a Guardian to Adoption [ADOP2659]

Contact Preference [PAR3575]

Chapter 9: Post Placement

Section: **9.3 Special Situations**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Overview

The following describes the procedures for special situations that occasionally arise prior to the granting of the adoption order.

Move from Alberta

If a child is placed with an adoptive family that is planning to move out of Alberta, arrange to obtain the adoption order before the move.

If the order cannot be obtained before the move, transfer placement supervision to the other province but obtain the adoption order in Alberta.

Placement Disruption During Permanency Placement – Adoption (PPA)

If the adoptive parents are struggling with the placement, provide casework supports to maintain the child in the home.

If, despite this, an adopting parent wants a child removed, in consultation with the supervisor and professionals involved in the case, determine the appropriate plan for the child.

If a child is removed from an adoption home prior to the adoption order being granted:

- Immediately notify Adoption Services, the worksite manager and regional adoption specialist or designate. Provide reasons for the disruption.
- Tell the adopting parent about the right to and procedures for an administrative review, if they have had the continuous care of the child for more than six months of the 12 months preceding the director's decision.
- Provide support to the family, including a counselling referral, if needed.
- Update the child's placement information on the provincial information system.

If there is reason to believe that a child is in need of intervention services, refer the matter for a child intervention intake. The initial assessment must be done by a child intervention case worker; however, the adoption case worker may be present to provide support to the adoptive family.

Parents Separate

If an adopting couple separates prior to the granting of the adoption order, immediately assess the situation. If one of the parents wants to proceed with adopting:

- Determine the person's ability and resources to meet the child's needs as a single parent.
- With the supervisor, decide whether to remove the child or to proceed with the adoption.
- Inform Adoption Services.
- If proceeding with adoption, provide a thorough Addendum.
- Obtain legal advice regarding finalization if both parents wish to proceed to adoption.
- Advise the separated couple to obtain legal advice regarding custody and divorce.

Parent Dies

If an adopting parent dies prior to the adoption order being granted, assess the surviving parent's ability and resources to adopt the child.

Under s.70(3), the surviving parent may ask to have the deceased person's name remain on the documents as an adopting parent if that person signed the petition prior to death. If the child is over 12, the child's consent is needed to have the deceased person named as an adoptive parent.

Child Dies

If a child dies prior to the granting of the adoption order:

- If the adopting parent wants to provide the funeral and headstone, allow the headstone to be in the name chosen by the parent.
- To ensure that the death certificate is completed in the child's legal name, provide the birth registration information including the biological parents' names to the funeral home.
- Notify the birth parents, if possible. If the cause of death could affect a sibling, make every effort to inform the birth parents.

- Close the child's file on the provincial information system. Include "Reason for Death" and "Date of Death" on the child-in-need details screen.

Related Information

3.1.2 Intake (Enhancement Policy Manual – Intervention)

7.2.2 Death of a Child (Enhancement Policy Manual – Intervention)

Chapter 10: Adoption Finalization

Section: **10. Adoption Finalization**	Issue Date: October 1, 2011
Subsection:	Revision Date: June 15, 2012
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Policy

The adoption should be finalized within eight months of placement. A longer time may be negotiated between the adoptive parents and the caseworker if there are extenuating circumstances.

Kinship care and foster care adoptions, where the child has been in the home prior to PPA, should be finalized within three months following PPA.

The director continues to be the child's guardian and must be informed of any issues that affect the best interests of the child. Once the director signs a Consent by a Guardian to Adoption [ADOP2659] the prospective adoptive parent(s) become joint guardians of the child per s.60.

The approved adoption application and supporting documents must be filed with the Clerk of the Court of Queen's Bench.

Procedures

Make final preparations with the adoptive family and negotiate the time for the completion of the adoption application package.

Adoption Application Package

Complete the adoption application package as soon as all support services are in place and all documentation has been received.

Documents Required by Legislation

The application package **must** contain the following documents, which address the requirements of s.63.1:

- Adoption Summary [ADOP0527]
- Application for Adoption Order [ADOP0075]
- Affidavit of Director [ADOP0597]

- Affidavit of Applicant [ADOP0091] (for applicant and co-applicant – as appropriate)
- Consent by Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step-Parent Application [ADOP2659] and/or Consent by Child to Adoption – Adoption of a Child 12 Years of Age or Older [ADOP2007] (as appropriate)
- Home Study Report (including Addendums and Post Placement Reports)
- Affidavit of Reference [ADOP0050] from two references, who are not spouses to each other (one reference may be a relative)
- Cultural Connection Plan [CS4028] when the child has an aboriginal background

Adoption Summary

Prepare the Adoption Summary [ADOP0527] which provides an outline of the pertinent information about the adoption for the Court of Queen's Bench. As the Adoption Summary reflects the unique characteristics of each adoption, the information will vary from file to file. Basic information contained in the written portion of the Adoption Summary must include:

- date and place of the child's birth,
- date the child was placed in the adoptive home and confirmation that the child has resided in the home since that time,
- names of the adoptive parents,
- whether the child is the subject of a Permanent Guardianship Order or Agreement and the date of the order or agreement,
- if there is an access order, confirmation that the order is on file,
- any unusual circumstances regarding the applicants, such as previously married, and adopting as a single person, or as a common law couple,
- if the child has Registered Indian status:
    - statement including the band name and number of the band the child is registered with and that confirmation of the Registered Indian status from Indian and Northern Affairs is on file
    - statement that appropriate consultation has occurred with the Chief and Council or Designate
- if the child does **not** have Registered Indian status, the ethnic origin of the birth parents,
- if the birth mother's ethnic origin is known and the birth father's name is not known, a statement that it has not been possible to determine if the child is eligible for Registered Indian status,

- confirmation that the applicants are providing proper care and guidance to the child, and
- acknowledgement that the supervising caseworker has no concerns about the placement and recommends that the adoption be granted.

Other Documents That May Be Required

The other documents that may be required to complete the adoption application will vary on a case by case basis, and may include:

- Birth Certificates of the Applicants
- Verification of Applicants' Marriage
- Divorce Judgement/Certificate or Death Certificate
- Adoption Information – Identification of Particulars of Adopted Person [DVS3104] and one copy
- Adoption Post-Placement Assessment [ADOP0007]
- Results of the Criminal Record Check and Intervention Check completed within six months of filing
- Child's Registration of Birth
  - If the child was born in Alberta:
    - Registration of a Birth [DVS3123] and one copy
    - Adoption Information – Identification of Particulars of Adopted Person [DVS3104] and one copy
  - If the child was born outside of Alberta, but was born in Canada:
    - Adoption Information – Identification of Particulars of Adopted Person [DVS3104] and one copy
  - If the child was born outside of Canada:
    - Proof of Canadian citizenship or permanent residency status obtained through Citizenship and Immigration Canada (federal government)
- If the child is 12 years of age or older:
  - Consent by Child to Adoption – Adoption of a Child 12 Years of Age or Older [ADOP2007]
- Notice of Objection to Adoption [ADOP3475]
- Child's Permanent Guardianship Agreement and Affidavits of Execution or Permanent Guardianship Order and any additional order respecting access

- Confirmation from Indian and Northern Affairs (INAC) and any correspondence related to Registered Indian Status (if applicable)
- Response from Métis Settlement, if applicable
- Result of consultation with the Band, if the child is entitled for registered Indian status
- Adoption Order [ADOP1611]

Special Affidavit

Prepare an affidavit that describes an involvement by the birth family, an Indian band or a Métis Settlement, and include the following information:

- the child's birth date and birth place,
- the name of the birth mother,
- the name of the birth father, if identified (if unknown, state this),
- details about the child's legal status while in care and the involvement of the birth parents or extended family in any court proceedings,
- details about any access or attempted access to the child by or on behalf of the birth parents who had significant involvement in the child's life after the PGO was granted. If there was no contact, include a statement to confirm that there has been no contact after the PGO was granted,
- a statement that there has been no access and that the Permanent Guardianship Order is silent about access, where applicable,
- a statement indicating the birth parents and child do not have registered Indian status, where applicable,
- details about the involvement of the First Nations Designate, in adoption planning for the child, if the child is a registered Indian,
- details about the consultation with Métis Settlements CFSA, if the child is Métis and from an identified settlement,
- a statement indicating the adoptive parents have registered Indian status, where applicable,
- a recommendation about serving the Notice of Adoption Application on the birth parents, if the birth parents have had access after the granting of PGO/PGA. Obtain legal advice, when unsure. If there has been no access there is no need to dispense with service on birth parents, as all their rights have been terminated by the permanent court order, and
- evidence to support the recommendation to formally dispense with service to the birth parents, if there has been sporadic/inconsistent/harmful contact between the child and the birth parents since the granting of the PGO.

If a child under PGA or PGO has had ongoing access with the birth parents, determine whether continued access is in the best interests of the child.

Approval of Worksite Manager

Provide the completed application package, which contains unsigned copies of the Consent by Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step-Parent Application [ADOP2659] and the Affidavit of Director [ADOP0597] to the worksite manager for approval.

Upon receiving the court application package, the worksite manager or delegate:

- completes a final review of the entire package in order to be satisfied, on behalf of the director, that the adoptive home meets the child's needs and the placement is in the child's best interests, and
- decides whether to consent to the adoption and informs the caseworker.

If in agreement, the worksite manager or delegate:

- completes a Consent by Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step-Parent Application [ADOP2659], and
- completes Affidavit of Director [ADOP0597] with exhibit documents.

Filing

There are three distinct processes in preparing the Application Package for court:

- one when no service is required,
- one for serving a child over who is 12 years of age or older, and
- one for serving a former guardian.

Upon receiving the approved application package and supporting documents, the designated regional person files the original application package and a duplicate (when service is required) with the clerk of the Court of Queen's Bench.

Service Not Required

The Clerk of the Court files the Adoption application and supporting documents, and presents the application to a Judge in chambers.

Service Required

When service is required, the Clerk of the Court returns a certified copy of the Adoption Application Package and the Notice of Objection to Adoption to the caseworker or regional designate.

- Serve or make arrangements to serve the certified photocopy of the Adoption Application Package and Notice of Objection to Adoption on a former guardian with access to the child and the child, if 12 years of age or older.
- Complete an affidavit of service and files it with the clerk of the court.

NOTE: If a child of 12 years of age or older needs to be served, a Notice of Objection to Adoption [ADOP3475] and Adoption Application Package, which excludes the Home Study report, Post-Placement Report, Special Affidavit, and Criminal Record Check, must be included in the application package forwarded to the court for certification by Clerk of the Court.

NOTE: If other persons (former guardians) need to be served, a Notice of Objection to Adoption [ADOP3475] and confirmation that notice has been provided to the birth parents must be included in the adoption application package forwarded to the court for certification by Clerk of the Court.

Advise the applicants and a child of 12 years of age or older that most adoptions will proceed without a hearing, unless the child or a person who was served with a Notice of Adoption Hearing [ADOP3515], files a Notice of Objection to Adoption [ADOP3475], or the judge orders a hearing.

Adoption Hearing Required

If a Notice of Objection to Adoption is filed or the judge orders a hearing, the clerk of the court advises the caseworker or regional designate of the date, time and place of the adoption hearing.

The caseworker or regional designate completes the following tasks:

- prepares a Notice of Adoption Hearing [ADOP3515],
- files the original Notice of Adoption Hearing with the clerk of the court,
- serves a photocopy of the Notice of Adoption Hearing on the applicant, a child of 12 years of age or older and a guardian (if applicable) at least 30 days before the date of the hearing,
- completes the Affidavit of Service and files it with the court at least seven days before the date of the hearing, and
- advises the applicant and a child of 12 years of age or older that they are expected to attend the hearing and they have the right to be heard in person or by counsel at the hearing. Counsel will be present to provide the information to the Judge.

Adoption Order Granted

Upon receiving confirmation that the adoption has been granted:

- Update the provincial electronic information system to indicate file closure and the termination of the PGA or PGO. Specify the reason for closure as **Adoption**.
- Transfer the child's Registered Education Savings Plan (RESP) from Human Services to the adoptive parents.
- Notify the Maintenance Enforcement Program that maintenance has been terminated, if there was a maintenance agreement or order in place.
- Notify the Supports for Permanency caseworker to implement the SFP Agreement.
- Notify the adoptive parents that they may obtain an amended birth registration by contacting the vital statistics registry in the jurisdiction where the birth was registered.
- **Notify the adoptive parents that they may apply for the federal Canada Child Tax Benefit (CCTB) after the adoption order has been granted**.

Documentation for the Post Adoption Registry (PAR)

A complete copy of the court file as defined in s.63(1) must be sent to the PAR.

The PAR information will be sealed with the adoption file. These documents should **not** be retained on the child's intervention file.

In addition, the following documents are required by the PAR:

- Background family and medical history of the child,
- History of the Adopted Child – Mother and Father [ADOP1373]
- All medical reports and assessments
- The completed Sibling Registry Card [PAR2814], if not mailed in separately by the adoptive parents
- The Ongoing Information Exchange [PAR3578]

This is the basis for the information that is made available to children when they reach adulthood.

Related Information

1. Adoption Overview

4. Access

12.1 Supports for Permanency Program Services

12.2 Negotiating a Supports for Permanency Agreement

9.4.7 RESP Program for Children in Permanent Care (Enhancement Policy Manual – Intervention)

Adoption Information – Identification of Particulars of Adopted Person [DVS3104]

Adoption Order [ADOP1611]

Adoption Post-Placement Assessment [ADOP0007]

Adoption Summary [ADOP0527]

Affidavit of Applicant [ADOP0091]

Affidavit of Director [ADOP0597]

Affidavit of Reference [ADOP0050]

Application for Adoption Order [ADOP0075]

Consent by Child to Adoption – Adoption of a Child 12 Years of Age or Older [ADOP2007]

Consent by Guardian to Adoption – Adoption of a Child Under Permanent Guardianship or Step-Parent Application [ADOP2659]

Cultural Connection Plan [CS4028]

Notice of Adoption Hearing [ADOP3515]

Notice of Objection to Adoption [ADOP3475]

Ongoing Assessment Record (OCAR) [CS3703]

Ongoing Information Exchange [PAR3578]

Registration of a Birth (Mother/Father) [DVS3123]

Sibling Registry Card [PAR2814] – paper form only, available from the PAR

Chapter 11: Private Guardianship

Section: **11. Private Guardianship**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 2

Overview

Private guardianship provides an alternative to adoption as a permanency option.

Any adult may make an application for a private guardianship order of a child who is in the custody of the director, or is a subject of a temporary guardianship order or, permanent guardianship order or agreement.

NOTE: Private guardianship applications under CYFEA only apply to children who are in the custody or guardianship of the director.

For other guardianship applications refer the person to the family court or the person's lawyer to make an application for guardianship under the Family Law Act.

S.52(1) allows any person to apply for the private guardianship of a child in the custody or guardianship of the director. This permits multiple applications to be made to the court for the same child.

S.56(1) allows a court to grant a private guardianship order when it is satisfied that:

- the applicant will be a responsible guardian to the child,
- it is in the best interest of the child, and
- the applicant has had the child in their continuous care for three months prior to the hearing.

NOTE: The "continuous care for three months" requirement may be waived by the court.

The procedures regarding application, consent, service, providing information and assisting prospective private guardians are detailed in Policy 5.3.5 Private Guardianship (Enhancement Policy Manual – Intervention).

Related Information

12.0 Supports for Permanency Overview
3.2.3 Case Closure (Enhancement Policy Manual – Intervention)
5.3.5 Private Guardianship (Enhancement Policy Manual – Intervention)
5.5 Court Procedures (Enhancement Policy Manual – Intervention)

Court Rules and Forms Regulation
Family Law Act

Consent by a Child 12 Years of Age or Older [CS1612]
Consent by a Director or Authorized Delegate [CS2047]
Contact Notes [CS0072]
Notice and Application by a Director for a Private Guardianship Order [CS2050]
Notice and Application for a Private Guardianship Order [CS0458]

Checklist for Court Documents
Child and Youth Support Program
Law Society of Alberta
Telephone: 1-800-661-1095

To report a broken link click here.

Section: **12.0 Supports for Permanency (SFP) Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: July 22, 2014
	Page 1 of 2

Overview

Human Services offers support services through the Supports for Permanency (SFP) Program, in accordance with CYFEA, to caregivers who have obtained an Adoption Order or a Private Guardianship Order with respect to a child with permanent guardianship status.

For children who are eligible, these services are coordinated with the Family Support for Children with Disabilities (FSCD) Program operated under the *Family Support for Children with Disabilities Act*. The SFP caseworker ensures community resources, private health plans, and FSCD services are accessed prior to negotiating an SFP agreement.

Human Services ensures integrated delivery of services to children and families under the two programs.

Principles

The following principles apply to the SFP Program:

- The adoptive parent or private guardian assumes all parenting and financial responsibility for the child. The SFP Program assists the family in meeting their financial responsibilities.
- Additional Needs Funding **may** be available to meet children's current behavioural needs. These needs must be above normal expectations.
- Additional Needs Funding may be negotiated if the service is not covered under any community, government or other support services such as private insurance plans. Medically related services must be approved by Alberta Health or a Regional Health Authority if the family resides outside of Alberta.
- The Supports for Permanency Agreement is negotiated on a go forward basis and is not retroactive.
- The SFP Program applies to children under the age of 18.

- Maintenance paid under SFP equals daily basic foster care rates.
- Additional Needs Funding cannot exceed the cost of services provided to a child in the care and custody of the director.

Related Information

12.1 Supports for Permanency Program Services

12.2 Negotiating a Supports for Permanency Agreement

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

9.4.4 Recreational Allowance (Enhancement Policy Manual – Intervention)

Adoption Regulation

Contact Notes [CS0072]

Intake Assessment – Supports for Permanency Program [ADOP2094]

Notice of an Appeal to the Appeal Panel [CS1622]

Permanency Placement – Application for Maintenance Pending Adoption/Private Guardianship Order [ADOP3687]

Supports for Permanency Agreement [ADOP3652]

Chapter 12: Supports for Permanency

Section:	**12.1 Supports for Permanency Program (SFP) Services**	Issue Date: October 1, 2011
Subsection:		Revision Date: May 1, 2014
		Page 1 of 11

Policy

The Child, Youth and Family Enhancement Regulations stipulate the type and maximum amount of financial assistance available under the Supports for Permanency (SFP) Program. Per the regulation, the following services, under the SFP Program, may be offered to eligible adoptive parents and private guardians who adopt or obtain private guardianship of children with permanent guardianship status under CYFEA in Alberta, and reside in a Canadian jurisdiction:

- the basic maintenance rate available for a child in foster care,
- if the child has behavioural or emotional problems,
  - the cost of 10 counselling sessions annually
  - the cost of treatment of the child in a residential facility, satisfactory to a director, if the director is of the opinion that the placement of the child is likely to break down without the treatment, and
  - $70 weekly to purchase any additional services required to address the child's behavioural or emotional problem,
- in the case of a child who is an Indian, the cost of transportation of the child to the child's band for the purpose of maintaining cultural ties, and
- the cost of parental respite services to a maximum of 576 hours annually per family.

Casework supports may also be offered under SFP.

NOTE: If placement of a child for adoption outside of Canada is being considered, the Manager, Adoption Services, who is the delegated central authority for international adoption in Alberta, must be consulted and approve the plan prior to initiating the adoption process and discussing SFP with the family.

Procedure

Program Eligibility

Under s.56.1 and s.81 of CYFEA, a director may enter into a Supports for Permanency Agreement, in accordance with s.10 of the Child, Youth and Family Enhancement Regulation.

NOTE: The Supports for Permanency Agreement is regulated Form 13.

The following are **eligible** for assistance under the SFP Program:

- Adoptive parents or private guardians who currently have a Supports for Permanency Agreement.
- Individuals who were private guardians of a child previously under permanent guardianship who subsequently adopt that child, per s.81(1)(b).
- Families who adopted a child under a Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) prior to November 1, 2004 and who have an Acknowledgement of Special Needs or a letter filed with the Post Adoption Registry from a physician confirming that the child they adopted had special needs.
- Families who adopted or obtained private guardianship of a child under Permanent Guardianship Order (PGO) status on or after November 1, 2004.
- Families who adopted or obtained private guardianship of a child under a Permanent Guardianship Agreement (PGA) between November 1, 2004 and September 1, 2006, and who have written confirmation of a disability as defined under the *Family Support for Children with Disabilities Act*.
- Families who adopted or obtained private guardianship of a child under a Permanent Guardianship Agreement (PGA) or Permanent Guardianship Order (PGO) after September 1, 2006.
- Families who adopt or obtain private guardianship regarding a child who was under permanent guardianship under CYFEA in Alberta, if the adoption or private guardianship was finalized in another Canadian jurisdiction, and they reside in Canada.

The following are **ineligible** for the SFP Program:

- Families who adopted or obtained private guardianship of children who were not under permanent guardianship at the time the order was granted.
- Families who adopted prior to November 1, 2004 and who do not have an Acknowledgement of Special Needs or a letter confirming that the child had special needs.

- Families who obtained private guardianship of a child under either a PGA or PGO prior to November 1, 2004.
- Biological parents who obtain custody of a child who was the subject of a Permanent Guardianship Agreement (PGA) or a Permanent Guardianship Order (PGO).
- Families who obtain guardianship of a child with a PGA or PGO status under the *Family Law Act*.

Deferred Services

If the adoptive parent or private guardian does not want or need services immediately after the court order is granted:

- provide the family with information about SFP and how to access it, and
- advise the family of the types of support they may access in the future.

Maintenance and financial assistance for purchasing services may be provided to eligible families at any time after the adoption or private guardianship order has been granted, up until the child's 18th birthday. Payments will be made from the effective date on the agreement. The agreement is not retroactive.

Maintenance

Maintenance is provided under SFP at the same rate as basic maintenance for foster parents, and is a per diem rate that is intended to cover all of a child's day-to-day needs, which may include:

- food
- clothing
- personal care items (toiletries and hair products)
- general household costs
- spending allowance for the child
- gifts (for the child and from the child to other family members)

Refer to the Foster Care Rate Schedule [FC1263] for the most current rates.

Financial assistance for the Purchase of Services

Financial assistance **may** also be provided for:

- the cost of respite for up to 576 hours annually per family
- in the case of a child who is an Indian, the cost of transportation of the child to and from the child's band for the purpose of maintaining cultural ties

  - Reimbursement for kilometres travelled is based on the travel and subsistence rates identified in the Foster Care Rate Schedule [FC1263].
- to help address the behavioural or emotional needs of the child,
  - the cost of 10 counselling sessions annually
    - The adoptive parent or private guardian is expected to access counselling services or coverage from other available plans, such as Mental Health Services, benefits plans, Blue Cross, private health insurance or employee plans, before accessing regulated services available through SFP where such service or coverage is available to them.
  - the cost of treatment of the child in a residential facility, if the director is of the opinion that the placement will break down without the treatment.

Receipts Required

The adoptive parent or private guardian must present receipts for reimbursement of the cost incurred.

Financial compensation for the above services provided under SFP cannot exceed the cost of services provided to a child in the director's care. Families may provide additional services at their own expense.

Additional Needs Funds

Additional Needs Funds are the services that may be provided per s.10(1)(b)(iii) of the Child, Youth and Family Enhancement Regulation. A **maximum** of $70 weekly to purchase any additional services required to address the child's behavioural or emotional problem **may** be provided.

Additional Needs Funds are negotiated with the prospective adoptive parent or private guardian during the PPA period but **cannot** be implemented until the finalization of the child's adoption or private guardianship order.

Additional Needs Funds are re-negotiated annually unless required sooner due to the changing needs of the child. The director may terminate the Additional Needs Funds if it is determined that the child's needs have changed and the child no longer has behavioural or emotional problems.

To qualify for Additional Needs Funds, the referring caseworker and the SFP caseworker must agree on the child's **current behavioural or emotional needs**.

Intent

Any Additional Needs Funds required due to the behavioural or emotional problems of the child must be documented and must be accompanied by supporting rationale detailing the *frequency, intensity, and duration* of the child's **current** behavioural or emotional problems.

Supporting rationale may be provided through supplemental assessment documents provided by the parents or contact notes and should include information pertaining to:

- additional costs associated with maintaining specialized equipment to correct or manage current health related disabilities that are not covered through Alberta Aids to Daily Living (AADL),
- additional costs associated with transportation and/or subsistence for the purpose of obtaining treatment for the child,
- a description of how the child's current behavioural or emotional needs impact their daily functioning within the family unit and community setting, and
- a description of the programs or services required to directly address the child's behavioural or emotional problems.

NOTE: Additional Needs Funding will not be approved for activities that constitute normal day to day expectations of a parent or for support services already covered through a Family Support for Children with Disabilities Agreement.

Child Care Expenses

Child care expenses for remedial purposes may be claimed under Additional Needs Funds. However, the adoptive parent or private guardian should also be encouraged to take advantage of available taxable deductions according to the Canada Revenue Agency (CRA).

Sports, Arts and Recreation Amount

A Sports, Arts and Recreation amount may be claimed under Additional Needs Funds. This amount cannot exceed the maximum amount allowed (in a fiscal year) for children in the care and custody of the director.

Receipts

Receipts for all Additional Needs Funds expenditures paid in the previous fiscal year **must** be kept by the adoptive parent or private guardian and reviewed at the annual renewal of the agreement. This will assist with negotiation of Additional Needs Funds in the following contract year.

When the receipts are submitted, the adoptive parent or private guardian must also include a summary of the expenditures which includes the following statement:

"I hereby certify that the expenses as incurred were pursuant to the agreement and have not been previously claimed by me or on my behalf and the receipts submitted are original and issued by the service provider."

The review of the agreement will be scheduled to start 90 days prior to the end of the agreement, and must start minimally 30 days prior. All receipts must be submitted at the start of the review period.

NOTE: Upon review of the agreement, if there are discrepancies between the amount negotiated and the actual cost of the services, **neither** the parent **nor** the SFP program will repay the difference. The difference between actual cost and funds provided will inform the negotiated amount for the next agreement.

Examples of Eligible Expenditures for Additional Needs Funding

Expenditures that are eligible for coverage under Additional Needs Funds to address behavioural or emotional problems of a child include, but are not limited to, the following examples.

Services not covered through the parent's benefit plan

- Neurological services
- Occupational Therapy
- Physical Therapy
- Speech Therapy
- Transportation or mileage to attend treatment services
- Orthodontics
- Family Counselling
- Glasses/Contact Lenses (if more than one set is required annually)

Community Supports

- Community Aide
- Youth Worker
- Cultural Activities
- Crisis: one-on-one worker

In-Home Support Services

Any in-home support services agreed to **must** be provided by a qualified person, and reimbursed at the same rate that is paid regionally for those services under intervention programs. The adoptive parent or private guardian is responsible for submitting the providers' credentials and receipts. Examples of in-home support services that **may** be covered include, but are not limited to:

- Youth worker
- Homemaker
- Licensed practical nurse
- Parent aide
- Family Support Worker

Example of Expenditures that are not eligible for additional needs funding

- Medical treatment or service not approved by Alberta Health or a Regional Health Authority if the family resides outside of Alberta.

Casework Supports

While the adoptive parent or private guardian is fully responsible for parenting the child, some limited support from the caseworker may be appropriate, as long as there are no protection concerns. If there are protection concerns, refer the matter to Child Intervention Services intake.

Casework supports are any services provided directly by the caseworker to the adoptive parent or private guardian.

Casework supports may include:

- identifying and referring the child and/or family to appropriate community and government resources and services, including but not limited to:
    - disability related support services that may be provided through Alberta Aids to Daily Living (AADL), the Residential Access Modification Program (RAMP) or FSCD,
    - family counselling or short-term individual counselling to deal with a child's behavioural or emotional difficulties available through a caregiver's private benefit plan or through the community at no cost,
    - recreational or sport activities that may be subsidized through parental involvement, or
    - day camps or day sports school expenses that may be claimed as an expense on an income tax return through the Canada Revenue Agency (CRA).

- providing information about adoption, guardianship issues and supports for permanency services,
- consulting with families and linking them to other Ministry or government programs, such as FSCD, Child Intervention Services or AADL, and
- providing support to the family after a disruption.

Family Supports for Children with Disabilities (FSCD) Program

Consultation

If the child appears to be eligible for services through the FSCD Program the adoption/permanency caseworker:

- contacts the FSCD caseworker to begin the collaborative process on behalf of the family. This process can begin during the PPA period.
- provides information to the FSCD caseworker about the child's condition and about any current treatment or services being provided.
- supplies a copy of any documentation that confirms the child's condition.
- involves the FSCD caseworker in any discussions with the prospective adoptive parent or private guardian prior to or at the time of placement.

The FSCD caseworker can provide a preliminary assessment of the child and advise of any services that the FSCD program is able to provide to the child, and family.

Commencement of Services

Services from FSCD and SFP can commence only after the adoption or private guardianship order has been granted.

If the child is eligible for services through FSCD, the FSCD and SFP caseworkers negotiate the agreement.

NOTE: The exception to this is respite and counselling sessions. Once the allowable limits are accessed through SFP, a request may be made for services through FSCD, if the child is eligible.

Coordination of Services

Caseworkers from the SFP Program and the FSCD Program will coordinate to ensure there are no overlaps of services.

Following the granting of the adoption or private guardianship order:

- the SFP caseworker will:

  - determine that the child was under permanent guardianship prior to the adoption or private guardianship order being granted
  - determine the child's eligibility for the program
  - negotiate a Supports for Permanency Agreement with the adoptive parent or private guardian
- the FSCD caseworker will:
  - determine the range of services to be provided to the child and family and enter into an agreement when the eligibility criteria are met
- one caseworker, either from the SFP Program or the FSCD Program, will be assigned the primary responsibility of working with the family, although both remain involved with the family, according to regional policies
- the SFP caseworker and the FSCD caseworker will work closely to ensure the family receives the necessary supports

Maintenance Payments Prior to the Order Being Granted

Payment for Services During Permanency Placement – Adoption (PPA)

Prior to the adoption order being granted, any services required by a child during the PPA period will be charged to the child's intervention file.

Foster parents and kinship care providers who have a child on a PPA basis continue to receive their current level of maintenance, including skill fees, until the adoption is finalized.

All other applicants receive basic maintenance and funding as negotiated for purchase of services. The payments are charged to the child's file.

Adoption or Private Guardianship by Current Foster Parents or Kinship Care Providers

- Provide foster care (basic maintenance and skill fees or special rates) or kinship care rates, up to and including the day the court order (private guardianship or adoption) is granted.
- When the Adoption Order or Private Guardianship Order has been granted, negotiate a Supports for Permanency Agreement [ADOP3652]. Ensure that, if the child's name is legally changed after the adoption or private guardianship order, the agreement is prepared using the child's new legal name. This agreement will be effective for one year, beginning the day after the order was granted.

Adoption or Private Guardianship by Families other than Current Foster Parents or Kinship Care Providers

- Provide basic maintenance per foster care rates and funding as negotiated for purchase of services from PPA date up to and including the day the court order (adoption or private guardianship) is granted.
- Prior to the granting of the Adoption Order or Private Guardianship Order, maintenance and services are paid from the regional budget, Program Code 00042, using the child's birth name.
- Complete a Permanency Placement – Application for Maintenance Pending Adoption/Private Guardianship Order [ADOP3687] form in the child's birth name. Services continue to be charged to the child's file during PPA.
- If basic maintenance has been paid prior to granting of an Adoption Order or Private Guardianship Order, advise Accounts Payable to cancel such payments when the order is granted.
- When completing the Permanency Placement – Application for Maintenance Pending Adoption/Private Guardianship Order [ADOP3687], include the estimated time the agreement will be in effect before the order is granted. If the order is granted after the estimated end date, change the form to reflect the actual date that the order was granted. The expected time period to finalization (granting the order) is 8 months after the child has been placed.
- Prior to the Adoption Order or Private Guardianship Order being granted, refer the adoptive family to an SFP caseworker to negotiate a Supports for Permanency Agreement [ADOP3652] in the child's adoptive name. This agreement will be effective for one year, beginning the day after the order was granted.

Taxability

Parents may make inquiries with Canada Revenue Agency (CRA) about taxability and SFP, and the Canada Child Tax Benefit (CCTB), which may include the Child Disability Benefit and the Universal Child Care Benefit. Adoptive Parents may apply for CCTB only after the adoption order has been granted.

Documentation

Supporting rationale for Additional Needs Funds must be documented in the form of an existing psychological or medical assessment or on Contact Notes [CS0072].

Monitoring and Evaluation

SFP files may be subject to regional and/or provincial audits.

Related Information

12.2 Negotiating a Supports for Permanency Agreement

14. International Adoptions

9.4.4 Recreational Allowance (Enhancement Policy Manual – Intervention)

Contact Notes [CS0072]

Foster Care Rate Schedule [FC1263]

Permanency Placement – Application for Maintenance Pending Adoption/Private Guardianship Order [ADOP3687]

Supports for Permanency Agreement [ADOP3652]

Section:	**12.2 Negotiating a Supports for Permanency Agreement**	Issue Date: October 1, 2011
Subsection:		Revision Date: July 22, 2014
		Page 1 of 9

Policy

A Supports for Permanency Agreement [ADOP3652] may be negotiated with adoptive parents or families who obtain a Private Guardianship Order for a child who was in permanent care.

> **NOTE:** The Supports for Permanency Agreement is regulated Form 13 in the Child, Youth and Family Enhancement Regulation.

Eligibility for each type of benefit is established independently. Therefore, negotiating the benefits is done separately. However, one agreement may include both maintenance at basic foster care rates, and financial assistance for the purchase of services.

A Supports for Permanency Agreement may be implemented with respect to an eligible child:

- immediately upon the Adoption or Private Guardianship Order being granted; or
- at any time after the Adoption or Private Guardianship Order is granted up to the child's 18th birthday.

> **NOTE:** A Supports for Permanency Agreement [ADOP3652] can be negotiated during the PPA period but does not come into effect until after the Adoption or Private Guardianship Order is granted.

Procedures

The following describes how to negotiate a Supports for Permanency Agreement [ADOP3652]. The agreement may be for maintenance or financial assistance to purchase services, or both.

When an adoptive parent or private guardian applies for a Supports for Permanency Agreement for an eligible child, determine, in consultation with the family, what benefits are needed. The supports must be provided in accordance with s.10 of the Child, Youth and Family Enhancement Regulation.

Acknowledgement of Special Needs

A child who was placed for adoption prior to November 1, 2004 must have an Acknowledgement of Special Needs or a letter that was filed with the Post Adoption Registry which states that the child has special needs.

If families have lost their Acknowledgement of Special Needs or a letter which confirmed that the child has special needs, contact the Post Adoption Registry with the following information:

- child's birth name, if known
- child's adoptive name
- birth date
- adoptive parents' full names

Once located, forward a copy of the letter to the Supports for Permanency caseworker. If the documentation cannot be provided, the child will not be eligible for SFP benefits.

Obtain a copy of the Adoption Order or Private Guardianship Order from the adoptive parent or private guardian.

Sibling Group

When an adoption or private guardianship order is obtained for a sibling group, prepare a separate agreement for each child. Ensure that, if the child's name is legally changed after the adoption or private guardianship order, the agreement is prepared using the child's new legal name.

Responsibilities of the Adoptive Parent or Private Guardian

Ensure that the adoptive parent or private guardian understand their responsibilities under the terms of the agreement. These include:

- notifying the SFP caseworker if the child is not living in the home,
- notifying the SFP caseworker if the family moves,
- notifying the SFP caseworker if the child's needs change,
- paying for parental relief, transportation to maintain an Indian child's cultural ties, and counselling not included in the Additional Needs Funding, and submitting proof of payment for reimbursement by the Ministry per the regulations,

- **obtaining private medical insurance coverage** and utilizing the services available under their insurance plan, prior to accessing the services available through the SFP,
- accessing counselling services or coverage from other available plans, such as Mental Health services, benefits plans, Blue Cross, private health insurance or employee plans, before accessing regulated services available through SFP where such service or coverage is available to them, and
- ensuring the child receives the indicated services and ensuring the services are satisfactory.

Provide a copy of the responsibilities described above to the adoptive parent or private guardian.

Maintenance

Determine if the child's age will require an increase in the maintenance rate during the term of the agreement.

Calculate the number of days at each daily rate, based on the child's birth date.

Child with Behavioural or Emotional Problems – Additional Needs Funds

In determining the behavioural or emotional needs of the child, confirm with the adoptive parent or private guardian the child's current functioning and document the information in the child's file.

Policy 12.1 identifies the guidelines for the purchase of services. The services purchased must address the **current** behavioural or emotional problems of the child.

When Additional Needs Funds are required:

- Request that the adoptive parent or private guardian provide a brief proposal identifying:
  - the estimated amount of funding that will be required (based on the regulated amount of a maximum of $70 per week), and
  - how the funds will be utilized.
- Request that the adoptive parent or private guardian keep all receipts as they are required for negotiation of the next agreement.
- Complete the Supports for Permanency Agreement [ADOP3652] with the adoptive parent or private guardian. The Additional Needs Funds amount is identified on the form as a weekly amount but is calculated and paid on a **monthly basis**.

- Review the child's file and discuss the child's behavioural and emotional problems with the casework supervisor to confirm that the child's **current** needs, as outlined in the proposal written by the adoptive parent or private guardian, information documented in the child's file and any other supporting documents, warrant the additional funds.
- Advise the adoptive parent or private guardian that the casework supervisor and expenditure officer must approve the agreement.

Agreement Approval

Prior to signing the agreement with the adoptive parent or private guardian, provide the following documentation to the casework supervisor, who will then provide it to the expenditure officer, to support the approval:

- an Intake Assessment – Supports for Permanency Program [ADOP2094],
- the Supports for Permanency Agreement [ADOP3652],
- information regarding the child's current emotional or behavioural problems, including supporting documentation, and
- the adoptive parents' or private guardians' proposal for the amount of Additional Needs Funding required and how the funds will be used.

If the agreement includes treatment in a residential treatment facility, include all information that will be provided to the regional placement committee.

When the agreement has been approved by the casework supervisor and expenditure officer:

- obtain the signature of the adoptive parent or private guardian,
- open an SFP file, and
- provide a copy of the agreement to:
  - the adoptive parent or private guardian
  - the Accounts Payable system
  - FSCD Program, if applicable

NOTE: An agreement **cannot** be signed by the director or the adoptive parent/private guardian until **all** of the negotiated supports have been agreed upon and entered into the document. The agreement is **not valid** if changes to the number of days/item, rate or total amount are made after the agreement has been signed.

Agreement Not Approved

If the agreement is not approved, send the adoptive parent or private guardian written notice, including information on their right to an administrative review and the appeal process.

Determine if the adoptive parent or private guardian is willing to negotiate a revised agreement.

Agreement Approved – File Administration

Enter the agreement on the electronic information system.

- Complete the agreement, print and have the parent, caseworker, casework supervisor and expenditure officer sign the agreement.
- Enter agreement information on CMAS for financial processing.
- File the agreement and other related documents on the SFP file.

Placement in a Residential Facility

When a child has behavioural or emotional problems that cannot be alleviated by in-home services, placement in an approved Alberta residential treatment facility **may** be considered.

If the placement is no more than 12 months in duration, guardianship remains with the adoptive parent or private guardian. The adoptive parent or private guardian may be required to delegate certain authorities to the facility for the child's care and treatment.

To be considered for this service:

- the family must reside in Alberta,
- the adoption or private guardianship placement is likely to be disrupted if residential treatment is not provided,
- the residential treatment placement will not exceed 12 months in duration,

NOTE: If a longer placement is required, this will have to be reviewed by the region on a case by case basis.

- the adoptive parent or private guardian is willing to work with the treatment facility to have the child return home, and
- there is no evidence of neglect or abuse by the adoptive parent or private guardian.

If the above criteria are met, assess the family's circumstances. In consultation with a casework supervisor and manager, refer the child directly to the regional placement committee to have a residential placement considered.

When referring a child to a residential treatment facility, provide the regional placement committee with:

- a description of the child's history, behaviour and conditions that necessitate residential care,
- all pertinent medical, psychological, psychiatric assessments of the child supporting the need for residential treatment,
- an outline of interventions utilized to date, and
- the proposed resource, goals and anticipated length of treatment.

Negotiate payment for the treatment with the treatment facility. There is no cost to the adoptive parent or private guardian.

Suspending Payments during Residential Treatment

If the child is absent from the home for treatment in a residential treatment centre:

- update the child's placement information on the electronic information system, and
- suspend support payments to the adoptive parent or private guardian.

It may be appropriate to reimburse the adoptive parent or private guardian for transportation costs, if they are required by the residential facility to travel to another location for purposes of therapy, training to assist them in caring for the child or for re-integrating the child back into the family.

Terminating a Supports for Permanency Agreement

Terminate the agreement and close the file if:

- the child no longer lives with the family,
- guardianship is transferred to a director,
- the child reaches 18,
- the family cannot be located, or
- the family requests termination.

To terminate the agreement, send **30 days** written notice to the adoptive parent or private guardian with a copy to the Accounts Payable system. **All financial benefits cease on the date a child no longer resides with the adoptive parent or private guardian, the child turns 18 or on the date guardianship of**

the child is transferred to the director; otherwise, benefits continue for 30 days after sending the written notice.

Complete an SFP closure in the electronic information system.

Retain the closed file according to Ministry policy.

> NOTE: If the child does not reside in the home and the absence has not been reported, repayment of funds may be requested from the adoptive parent or private guardian.

Administrative Review

An adoptive parent or private guardian may request an administrative review regarding

- the refusal of the director to enter an agreement,
- the terms of an agreement, or
- the termination of an agreement.

If the adoptive parent or private guardian indicate they want to have an administrative review of a decision of the director, inform them of the legislated right to request an administrative review and encourage the adoptive parent or private guardian to enter into a regional alternative dispute resolution process first to try to resolve the situation through a collaborative approach.

If the adoptive parent or private guardian wishes to file an administrative review, supply the forms, explain their use and clearly explain the timelines.

Appeal

If the adoptive parent or private guardian disagrees with outcome of an administrative review, they may file an appeal as per s.120(2)(f.1).

If the adoptive parent or private guardian wants to file an appeal, supply them with Notice of an Appeal to the Appeal Panel [CS1622], explain their use and clearly explain the timelines.

Agreement Reviews

Review each agreement:

- annually, 90 days prior to the expiry date,
- within 60 days of receiving a request from the adoptive parent or private guardian for a revision or termination,

- at any time circumstances indicate the needs of the child have changed, and
- if the family moves outside of Alberta.

Meet with the adoptive parent or private guardian and assess the child's **current** behavioural and emotional needs. Review how the previous proposal was implemented and review the receipts supporting the services which had been provided. Request that the adoptive parent or private guardian provide another proposal outlining the amount of funding required and how the funds will be utilized when a new agreement is signed.

If an FSCD caseworker is involved and services are to continue, arrange to complete the agreements for both programs together.

Moving from Alberta

If the family moves to another part of Canada, the adoptive parent or private guardian continue to qualify for the program, if they advise the caseworker of their new address. Each agreement needs to be managed on a case by case basis as there can be differences in the types and levels of services available in different jurisdictions.

> NOTE: If the plan is to move a child to another country, either with their adoptive parent or private guardian **or** in order to be placed with an adoptive parent or private guardian, the Manager, Adoption Services, who is the delegated central authority for international adoption in Alberta, **must** be consulted prior to discussing SFP with the family. Each case will be reviewed on an individual basis to determine eligibility for financial assistance. Any approved financial supports will be in Canadian funds.

Responsibility for management of the file remains with the region where the family last resided in Alberta, according to regional protocol.

Complete a review annually, or earlier if needed, by following these procedures:

- When the family is receiving only basic maintenance, negotiate a new agreement by telephone and mail the information to the family.
- When the family is receiving basic maintenance and Additional Needs Funding, a request for a review may be sent through the regional designate to the jurisdiction where the family resides. The receiving jurisdiction will be requested to:
  - confirm that the family is utilizing services in that jurisdiction, and
  - confirm the adoptive parent's or private guardian's continued need for maintenance and/or financial assistance to purchase services.

- Prepare a new agreement, according to the confirmed needs of the child and family.
- Submit the agreement and supporting documentation to the casework supervisor and expenditure officer for approval.
- If approved, forward the agreement through the regional designate to the adoptive parent's or private guardian's jurisdiction for signature.

When the signed agreement is returned, update the electronic information system, place the original signed agreement on file and distribute the agreement to the parties involved.

Reopening a File

If an adoptive parent or private guardian reapplies for support, follow the procedures under Negotiating an Agreement.

Reopen the file by completing an Intake Assessment – Supports for Permanency Program [ADOP2094] and follow the procedures under Agreement Approved – File Administration.

Related Information

12.1 Supports for Permanency Program Services

1.4 Administrative Reviews and Appeals (Enhancement Policy Manual – Intervention)

Intake Assessment – Supports for Permanency Program [ADOP2094]

Notice of an Appeal to the Appeal Panel [CS1622]

Supports for Permanency Agreement [ADOP3652]

Chapter 13: Private Adoptions

Section: **13.0 Private Adoptions Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 2

Overview

A private adoption is the adoption of any child who is not under permanent guardianship. Such a child may be placed in the prospective adoptive parents' home directly by the birth parent (private direct adoption) or through the services of a licensed adoption agency (licensed agency adoption). Step-parent and relative adoptions are also private adoptions.

All private adoptions are processed at the expense of the applicants.

The director may be requested to take the consent to the adoption of the guardian or the child of 12 years of age or older. Lawyers may also take these consents.

The director always receives notice of the adoption proceedings for all private adoptions per s.64(1).

This section contains information regarding:

- Licensed Agency Adoption
- Birth Parent Adoption
- Step Parent Adoption
- Relative Adoption

Private Adoption Self Help Kit

Step-parent adoptions and private direct adoptions, including relative adoptions, may be processed by the petitioners themselves, using a Private Adoption Self Help Kit.

Self Help Kits are published by and available for purchase from the Alberta Queen's Printer.

Petitioners may request the services of a private adoption agency or a lawyer to assist them in preparing and filing the adoption petition in the Court of Queen's Bench.

Intermediary Placements

S.84 prohibits an adoptive placement by a third party intermediary, any one other than the parent of the child, a director, a licensed adoption agency, or the Minister.

If staff becomes aware of such involvement, contact with the worksite manager or regional adoption specialist is mandatory. The manager or specialist will contact Adoption Services.

Related Information

2.1 Services Before Relinquishment
13.2 Licensed Agency Adoption

Legitimacy Act

Consent by a Guardian to Adoption – Agency [ADOP2005]
Consent to Release Information [CS0470]
Notice of Objection to Adoption [ADOP3475]
Request for Intervention Record Check [CS2687] – available in paper copy only

Adoption Kit – Self-Help Kit for Private Adoptions

Alberta Queen's Printer
Main Floor, Park Plaza
10611 – 98 Avenue
Edmonton, Alberta T5K 2P7
Telephone: 780-427-4952

Chapter 13: Private Adoptions

Section: **13.1 Private Direct Adoption**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 4

Policy

Private adoptions include

- birth parent adoptions
- relative adoptions, and
- step-parent adoptions

Human Services and licensed adoption agencies do not facilitate these private placements.

Birth Parent Adoptions

Birth parents may choose to place their child for adoption directly with prospective adoptive parents who are known to them.

Relative Adoption

A person may directly apply to the court, per s.63(3), to adopt a related child.

Step-Parent Adoption

A person may directly apply to the court, per s.63(3), to adopt the child of the applicant's spouse or interdependent relationship partner.

Procedure

Adoption Application

In private direct adoptions, the applicant prepares and files the application directly with the court.

The applicant may use the Adoption Kit – Self-Help Kit for Private Adoptions, the services of a licensed adoption agency or a lawyer to process or assist in processing the adoption.

A home study report may be obtained through a licensed adoption agency, if the court orders it.

Home Study Reports

Home study reports are not required unless the guardians request to see a report prior to signing the consent to adoption or the court orders a home study report to be completed. Home study reports may be prepared by licensed adoption agencies at the expense of the adoptive family. Home study reports are generally not completed for step-parent adoptions.

Financial Responsibility

In private direct adoptions, the adoptive applicants are financially responsible for all costs related to processing the adoption, either by themselves or through the services of a licensed adoption agency or lawyer of their choice.

Service of Notice

Per s.64(1), the adoptive applicant must ensure that notice of the adoption application and the supporting documents are served on the director through a CFSA or Adoption Services.

When served:

- ensure that service is accepted only by delegated caseworker,
- the receiving delegated caseworker will complete an intervention record check according to s.66(1) and (2), and
- send the notice and supporting documents and a copy of the report forwarded to the court to Adoption and Permanency Services.

Intervention Record Check

Upon being served with a notice of an adoption application, check the provincial electronic information system to determine if the applicant has ever caused a child to be in need of intervention.

If no concerns are identified:

- Immediately forward a report to the Court of Queen's Bench on white bond paper advising that the director's position will be one of no involvement.
- Forward a copy of the report to the applicant.
- Forward the complete file and a copy of the report to Adoption Services.

If concerns that could impact the adoption are identified:

- Immediately forward a report to the Court of Queen's Bench on white bond paper, advising the court that a further report will be forwarded within 30 calendar days.
- Advise the applicant of the delay.
- Contact the office in which the file is open or was closed and request that a report be prepared on white bond paper and forwarded to the regional delegate within 21 calendar days.
- Upon receipt of the report, review the report with a supervisor and determine if the report should be filed with the court.

NOTE: The purpose of the report is to ensure that the court has full information regarding the applicants in order to make a decision about the adoption.

Preparing a Report

If asked to prepare a report:

- Review the file and include, at minimum, the history of concerns and outcomes and whether the family continues to receive intervention services.

Filing a Report with the Court

If filing the report:

- Ensure that the report is filed within 30 days of receiving service of the notice.
- Personally provide a copy of the filed report to the applicant as soon as it is prepared or received.
- Forward the complete file and a copy of the report prepared for the Court to Adoption Services.

NOTE: Even if concerns are identified, the director does not file a Notice of Objection to Adoption [ADOP3475] with the court.

Court Orders a Hearing after a Report is Filed

If a report is filed with the court, the court may order a hearing be held. At the hearing, the applicants may personally address the concerns or issues identified in the report or obtain the services of a lawyer.

The director is generally not represented at the hearing unless requested by the court.

Role of Human Services

The role of Human Services in a private direct adoption is:

- to provide birth parent counselling about adoption options, if requested,
- to advise the birth parents that they may request to see a home study report on the prospective adoptive parents and their Criminal Record and Intervention checks, prior to signing consent to the adoption,
- to take consent to the adoption by the relinquishing guardians and any child age 12 or over, if they choose to use the services of the Ministry, and
- to receive notice of the adoption application.

Related Information

13.2 Licensed Agency Adoption

Notice of Objection to Adoption [ADOP3475]

Adoption Kit – Self-Help Kit for Private Adoptions (Purchased at Alberta Queen's Printer)

Alberta Queen's Printer
Main Floor, Park Plaza
10611 – 98 Avenue
Edmonton, Alberta T5K 2P7
Telephone: 780-427-4952

Chapter 13: Private Adoptions

Section: **13.2 Licensed Agency Adoption**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 5

Policy

Birth parents may choose to place their child for adoption using the services of a private, non-profit agency licensed and monitored by Adoption Services.

Licensed adoption agencies are licensed according to CYFEA. They have the authority to facilitate adoption placements of children who are not under permanent guardianship and to file adoption petitions.

Procedures

Multiple Applications

An adoptive applicant may be registered with the Ministry and any number of licensed agencies. However, the applicant may only accept one child proposal during a 12 month period, unless adopting siblings.

Financial Responsibility

The adoptive applicant is financially responsible for all costs related to processing a private adoption.

Intervention Check

When applicants **register** with an agency, the agency supplies a Request for Intervention Record Check [CS2687]. The applicant signs the form and sends it to Adoption Services.

Adoption Services checks the provincial electronic information system and sends the results to the applicants. The applicants are responsible for providing the results to the agency.

Adoption Application

The agency is responsible for completing the adoption application and all supporting documents and filing them with the clerk of the Court of Queen's Bench.

Service of Notice

Per s.64(1), the adoptive applicant must ensure that notice of the adoption application and the supporting documents are served on the director through a CFSA or Adoption Services.

When served:

- ensure that service is accepted only by delegated caseworker,
- the receiving delegated caseworker will complete an intervention record check according to s.66(1) and (2), and
- send the notice and supporting documents and a copy of the report forwarded to the court to Adoption Services.

Role of Human Services and the Licensed Adoption Agency

In a licensed agency placement, the role of Human Services is:

- to provide birth parent counselling about placement options, if requested,
- to take consent to the adoption by the relinquishing guardians and any child of 12 or over, if they choose to use the Ministry's services, and
- to receive notice of the adoption application.

NOTE: A licensed agency must ensure that consents to adoption are obtained prior to placement. If the consent cannot be obtained, the agency must notify Adoption Services of the date the placement will be made and the reason consent could not be obtained.

The licensed adoption agency's role is to refer the birth parents to a Birth Parent Counselling Services case worker for counselling and consent taking, if the birth parents choose to use the Ministry's services. The written referral is to include a summary of contacts with the parents. The referral, when possible, should occur before the child's birth.

When birth parents are referred to the Ministry by an agency, follow these procedures.

Upon receiving a referral:

- open a Birth Parent Counselling Services file by completing a birth parent intake on the provincial electronic information system,

- acknowledge the referral to the agency, and
- contact the birth parents to arrange an interview – do not accept a consent before a child is born.

Before accepting consent:

- follow the procedures described in Before Relinquishment,
- ask the birth parents to sign a Consent to Release Information [CS0470] so the Ministry may give information to the licensed adoption agency and, if needed, to the hospital, and
- ensure the birth parents and any other guardians have received adequate counselling to make an informed decision.

Tell the birth parents that:

- The birth father's consent to the adoption is required.
- The parents may revoke the consent within 10 days after signing it by giving written notice to a director. Upon receipt of such notice, the director immediately notifies an officer of the agency. The agency notifies any other guardian who signed the consent. The agency arranges to return the child to the parents immediately or at an agreed time. The joint guardianship of the prospective adoptive parents is terminated.
- After 10 days, the consent may not be voluntarily withdrawn. When calculating the number of days, exclude the day the agreement was signed; include Saturdays, Sundays and holidays.
- According to s.60(1), the prospective adoptive parents have joint guardianship with the birth parents once the consent is signed.
- The adoption will proceed without a hearing unless the judge orders one or a notice of objection to the adoption is filed with the court.
- The birth parents have a right to receive notice of the adoption application and all supporting documents, unless this right is declined by them.
- If a hearing is held, it is recommended that the birth parents attend.
- The birth father is entitled to receive notice of the adoption application and all supporting documents unless the court waives this requirement.
- If the birth father opposes the adoption he may file a notice of objection to the adoption. If a notice of objection is filed, a hearing will be held.
- The birth father has a right to receive notice of the date, time and place of the adoption hearing, if one is required.
- Once an adoption order is granted:
    - They have no rights or responsibilities regarding the child.

- Within 35 days of being notified that the order is granted, an officer of the agency will notify them that the order has been granted, unless that person asks not to be notified.
- At any time, a parent who consented to the adoption may obtain a certified copy of the adoption order from the clerk of the court or the Post Adoption Registry.

Taking a Consent

Upon being notified that the child has been born, interview the birth parents to take consent. Unless the parents ask to have another person present, interview the parents in private. At this interview, decide whether it is appropriate to accept a consent to adoption.

Refusing a Consent

Refuse to accept a consent if the birth parents do not appear to understand the consequences or appear to be under duress. Inform the agency in writing of any concerns.

Accepting a Consent

If it is appropriate to accept the consent, assist the parents to complete a Consent by a Guardian to Adoption – Agency [ADOP2005] fully and accurately. Ensure that all names appear exactly as on the birth documents.

Inform the birth parents that the prospective adoptive parents now have joint guardianship of the child, and the birth parents' guardianship rights end when the adoption order is granted.

Joint guardianship ends if a birth parent revokes consent or on court order.

Witness the parents' signatures and complete the affidavit of execution.

Follow-Up

After accepting a guardian's consent, place a photocopy on the birth parent counselling file and send the original and all copies of the consent to the licensed adoption agency with a covering memo.

Concluding

After completing any needed follow-up counselling, close the birth parent counselling file.

Related Information

2.1 Services Before Relinquishment

Consent by a Guardian to Adoption – Agency [ADOP2005]

Consent to Release Information [CS0470]

Request for Intervention Record Check [CS2687] – available in paper copy only

Adoption Kit – Self-Help Kit for Private Adoptions (Purchased at Alberta Queen's Printer)

Alberta Queen's Printer
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10611 – 98 Avenue
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Telephone: 780-427-4952

Section:	**13.2 Licensed Agency Adoptions**	Issue Date: May 1, 2014
Subsection:	**13.2.1 Authorization for Licensed Agency Adoption of Children Receiving Services Under CYFEA**	Revision Date:
		Page 1 of 4

Policy

The Senior Manager, Adoption Services or designate **may** consider providing written authorization for a licensed adoption agency to proceed with the adoption of a child who is receiving services under CYFEA, with written consent of the guardians and where it is considered to be in the best interests of the child.

The written authorization may be provided for children in the custody of the director, including Apprehension Order, Emergency Apprehension, Custody Agreement with Guardian, Interim Custody Order, Custody Order or Temporary Guardianship Order.

Purpose

Pursuant to s.15 (1)(c) of the Adoption Regulation, a licensed adoption agency cannot place a child who is in the custody of the director without written authorization of the director.

Procedures

Children receiving services while remaining in the care of the guardians (Investigation, Family Enhancement Agreement or Supervision Order)

If the child is receiving services while remaining in the care of the guardians, the guardians can consent to a licensed agency adoption. Provide birth parent counselling through the CFS, if requested.

NOTE: An apprehension of an infant in hospital may not be necessary if the guardians have made an adoption plan.

Children in the custody of the director

If the guardians have been working with a licensed adoption agency prior to a child coming into care, the Senior Manager, Adoption Services or designate may consider authorizing the agency to continue adoption planning, if it is considered to be in the child's best interests.

If a licensed adoption agency is contacted by a guardian who is considering a licensed agency adoption, the agency must obtain written consent from the guardian to contact Human Services to confirm if the guardian is receiving services under CYFEA, and to allow the CFS/DFNA to release information about the child to the agency.

If the guardians wish to place a child for adoption through a licensed adoption agency:

- Consult with the regional Adoption Specialist or an adoption casework supervisor/caseworker and have an adoption caseworker provide birth parent counselling to the guardians, if requested. The guardians can also receive birth parent counselling through the licensed adoption agency.
- Advise the guardians that the Post Adoption Registry (PAR) will be contacted to determine if there are previously adopted siblings where a Sibling Registry Card has been completed by the adoptive parents.
  - If there is a Sibling Registry Card, inform the guardians that placing the child in an adoptive home with a sibling is a possibility.
- Follow the procedures in Chapter 2: Aboriginal Children Involvement of a First Nations designate for an Indian child.
- The guardians make an adoption plan and choose an approved family for their child.

NOTE: The agency must follow the procedures in 2.0 Birth Parent Services and 13.2 Licensed Agency Adoption.

The agency must not introduce an adoptive family to the child prior the provision of written authorization by the Senior Manager, Adoption Services or designate.

If the protection concerns are alleviated for the child and the child is returned to the guardians' custody and guardianship, the guardians can place a child for adoption through a licensed adoption agency. The Senior Manager's authorization is not required.

Guidelines to Provide Authorization for an Agency to Proceed with the Adoption of a Child

Authorization must be provided by the Senior Manager, Adoption Services or designate.

In consultation with the supervisor, provide the following information to the Senior Manager, Adoption Services or designate:

- the child's name and birth date,
- the names of the guardians,
- the circumstances of the current and any past intervention involvement,
- the guardians' plan to place the child for adoption through a licensed adoption agency (specify which agency),
- confirmation that the guardians received birth parent counselling explaining the options available to guardians through Human Services or the licensed adoption agency,
- documentation of the circumstances if the birth father is unknown or efforts to contact the birth father if his location is known,
- confirmation that the guardians received independent legal advice,
- whether there are any previously adopted siblings,
- whether the child is Aboriginal (Indian or Métis),
- the placement plan for the child (e.g. child to be placed with adoptive family from hospital),
- the recommendation of the caseworker and casework supervisor, and
- any other information requested by the Senior Manager, Adoptions or designate.

If in agreement that the child should be placed for adoption through a licensed agency, the Senior Manager, Adoption Services or designate, will provide written authorization.

If authorization of the Senior Manager is provided:

- provide any information relevant to the adoption to the licensed adoption agency (e.g. background and medical information), and
- withdraw any court proceedings or voluntary agreements under CYFEA and advise the guardian and agency.

There is no need to return a child to the custody of the guardians, once the guardians have consented to place a child for adoption through a licensed adoption agency. The child can be placed in an adoptive home by the licensed agency from the director's custody.

If a consent is taken for a child under TGO, the director, the guardians and the adoptive parents are considered joint guardians during the 10 day revocation period.

NOTE: The agency must advise the Senior Manager, Adoption Services or designate immediately if the guardian's consent is revoked.

Related Information

2.0 Birth Parent Services
13.2 Licensed Agency Adoption
2.1 Indian Child (Intervention)
3.1 Assessment Phases (Intervention)

Consent by a Guardian to Adoption – Agency [ADOP2005]
Consent to Release Information [CS0470]
Consent to Involve a First Nations Designate or Métis Resource [CS1634]
Request for Intervention Record Check [CS2687] – available in paper copy only

Chapter 14: International Adoptions

Section: **14. International Adoptions**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 3

Overview

Most children are cared for within their country of origin. However, sometimes a country will allow the child to be adopted through an international adoption.

Adoption Services is responsible for managing **all** aspects of the International Adoption Program.

Alberta does not place children for adoption outside of Canada. An exception may be made if the child is being adopted by a relative.

NOTE: If placement of a child for adoption outside of Canada is being considered, the Manager, Adoption Services, who is the delegated central authority for international adoption in Alberta, **must** be contacted for consultation and approval prior to initiating the adoption process and discussing SFP with the family.

Procedures

Children Coming into Alberta from Other Countries

Service delivery of the International Adoption Program is provided by Adoption Services directly to families who are adopting children from outside of Canada.

If a family contacts a region and expresses interest in international adoption:

- Advise the family that international adoption is not a regional program, and refer the caller to Adoption Services.
- Provide the caller with the following information:
  - International adoption is extremely complex and difficult to arrange. All legal requirements of CYFEA, Canada's federal *Immigration and Refugee Protection Act* and the Hague Convention on Intercountry Adoption must be met.

  - All international adoptions are considered to be special needs adoptions. All behavioural, medical, developmental or emotional issues will not be known at the time of the adoption match.
  - Adoptive families can expect to pay $20,000 or more to complete an international adoption. Costs include the home study report, preparation of a dossier, placement and legal costs, travel to the child's country of origin and completion of immigration requirements.
  - There are no adoption supports for families adopting through the International Adoption Program. Therefore the provincial Supports for Permanency Program does not apply.
- A Guidebook for Albertans processing an international adoption is available:
  - on the Adoption Services Website
  - by contacting Adoption and Permanency Services
  - by contacting a licensed adoption agency

Alberta Children Being Placed Outside of Canada

Adoption Services co-ordinates the international adoption process and provides assistance and direction to the regions to complete all requirements.

If a child in the permanent care of the director is to be placed outside of Canada, the child's region is responsible for:

- contacting Adoption Services to advise of the proposed match
- preparing a report on the child, including:
  - background and history of the child
  - medical and special needs of the child
  - Ongoing Case Assessment Record
- providing information on the prospective adoptive parents to Adoption Services including:
  - relationship to the child
  - address and contact information
  - confirmation that the family is interested in adopting the child
  - confirmation that the region is in agreement with the match
  - a home study report on the prospective adoptive family, completed by an authorized agency in the jurisdiction where the family resides
- payment of the following costs:

- completion of a home study report
- Orientation to Caregiver training
- supervision of the child in the adoptive home
- travel costs for the child and the prospective adoptive parents for pre-placement visits
- completion of post placement reports
- costs of immigration requirements for the receiving country
- passport
- finalization costs

Contact Information

Adoption Services
11th Floor, Sterling Place
9940 – 106 Street
Edmonton, AB T5K 2N2
Telephone: 780-422-0178
Email: adoption.services@gov.ab.ca

Related Information

Immigration and Refugee Protection Act

Adoption

Citizenship and Immigration Canada

Hague Convention on Intercountry Adoption

International Adoption – A Guidebook for Alberta Families

Chapter 15: Post Adoption Registry

Section: **15.1 Post Adoption Registry Overview**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Overview

S.75(3) of the CYFEA requires the Minister to maintain a post adoption registry that contains the sealed records of all adoptions granted in the Province of Alberta. The Minister delegates responsibility to operate all functions of the registry to the manager of the Post Adoption Registry.

The function of the Post Adoption Registry is to provide services to all persons involved in an adoption in the province of Alberta.

Functions of the Registry

The Post Adoption Registry:

- maintains all the sealed records of adoptions occurring under the CYFEA in Alberta.
- upon request:
    - provides a summary of non-identifying information to adoptees, birth parents, adoptive parents, adult siblings or a descendant of a deceased adoptee.
    - provides identifying information to adoptees and birth parents about each other unless one of the parties has filed a veto.
    - arranges for a reunion when two parties to an adoption voluntarily register for contact.
    - manages a yearly information exchange between birth parents and adoptive parents on behalf on their minor child, if both parties have consented to this exchange.
    - provides information from the sealed adoption record to assist caseworkers in providing intervention services to an adoptee or a sibling of an adoptee.
- obtains Adoption Orders from the Court of Queen's Bench for clients of the Registry.

- maintains the sibling registry card system.
- assists adoptive parents or adoptees to determine the adoptee's eligibility for Registered Indian status, or Métis or Inuit rights.
- if there are compelling circumstances, arranges for information from the sealed adoption record to be disclosed as necessary.
- provides confirmation of an adoption to the Director of Maintenance Enforcement.
- with Ministerial consent, provides confirmation of an adoption to:
  - lawyers who are handling estate matters and require confirmation of an adoption in order to settle the estate or
  - the Office of the Public Trustee in order to assist them in distribution of monetary settlements.
- provides information concerning an adoption to Litigation Services for use in a Court proceeding, if the government is a party to the proceeding.

Chapter 15: Post Adoption Registry

Section: **15.2 Registering**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

The PAR assists adoptees, adoptive families, birth parents and birth family members to reunite with one another.

The PAR provides support, information and referrals to registered parties who are interested in reunification.

Purpose

S.75 allows the PAR to put two parties in touch with each other when they have been separated due to adoption.

Procedures

Applying

The following individuals are eligible to register with the PAR:

- adult adoptees
- adult descendants of a deceased adoptee
- biological parents of an adoptee
- previous adoptive parents of an adoptee
- adoptees aged sixteen to eighteen years of age who satisfy the manager that they are living independently of their adoptive parents
- adult birth siblings
- "interested persons" as defined in CYFEA
- if the adoptee is deceased, adoptive parents or adult adoptive siblings of the adoptee
- an adopted child's legal guardian

Register

If a person wishes to register, provide the person with a Post Adoption Registry Application [PAR3625]. The form is also available from the Post Adoption website.

Advise the person to submit the completed application to the PAR along with a photocopy of two pieces of proof of identity. One piece must be photo identification. These documents may include, but are not limited to birth certificate, personal health card, driver's license or passport.

Processing

Upon receipt of an application, the PAR:

- determines that the applicant is eligible to register,
- confirms that the adoption was granted in Alberta, and
- verifies the identity of the applicant.

If satisfied that the applicant is entitled to be registered, the PAR enters the applicant's name on the registry and:

- informs the applicant in writing
    - that the applicant is registered; or
    - why the applicant was not registered.
- provides the information requested by the applicant according to the legislation
- arranges a reunion if another party is registered or registers in the future.

Withdrawal

A person who is registered with the PAR may, at any time, withdraw their application by sending a written request to the PAR. PAR staff will, upon receipt of this request, immediately remove the person's name from the registry and confirm this in writing to the individual.

Related Information

Adoptive Person/Adoptive Parent Application for Voluntary Contact Through the Post Adoption Registry [PAR3625] (adoptive child, adoptive parent, descendant of a deceased adopted person)

Family Application for Voluntary Consent Through the Post Adoption Registry [PAR3624] (birth parent, birth sibling, interested person)

Alberta Human Services

Chapter 15: Post Adoption Registry

Section: **15.3 Non-identifying Information**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

Upon request, the PAR provides non-identifying information about the parties to an adoption from the sealed adoption record. This information may be requested at any time after the adoption.

Purpose

S.74.4(5) allows the disclosure of non-identifying information to the parties to an adoption. Information about one or more of these persons may be disclosed as long as the information does not disclose the identity of those persons.

Procedures

Requesting

The following persons may apply to receive non-identifying information on the biological family:

- an adult adoptee
- an adult descendant of a deceased adoptee
- an adult sibling of an adoptee
- an adoptive parent

Upon request, a biological parent may receive copies of all the non-identifying information that was provided to the adoptee.

The following persons may apply to receive non-identifying information on the adoptee and the adoptive parents:

- a biological mother or father of the adoptee
- an adult birth sibling or half sibling
- a previous adoptive parent

If a person wishes to request non-identifying information, they may make their request in writing to the PAR. The request must be accompanied by two pieces of personal identification, one of which must be photo identification.

Processing

When the PAR receives a request for non-identifying information, PAR staff:

- determines that the applicant is eligible to receive the requested information,
- verifies the applicant's identity,
- confirms that the adoption was granted in Alberta, and
- provides a written summary of the requested information.

Provision of Information

If a person wishes to provide information regarding a party to a completed adoption the PAR:

- records the information provided, and
- provides the information to an interested party upon request, according to the legislation.

If the information provided includes medical information of a serious nature and a doctor confirms that this information could pose a serious medical risk, the PAR will:

- obtain Ministerial consent to open the sealed record, and
- make all reasonable attempts to contact the person to advise them of this information.

This information is given personally whenever possible.

Death

If informed that an adoptee is deceased the PAR:

- enters the name and fact of death on the registry, and
- informs any person who is registered or any person who registers at any time in the future.

This information is given personally whenever possible.

Related Information

Adoptive Person/Adoptive Parent Application for Voluntary Contact Through the Post Adoption Registry [PAR3625] (adoptive child, adoptive parent, descendant of a deceased adopted person)

Family Application for Voluntary Contact Though the Post Adoption Registry [PAR3624] (birth parent, birth sibling, interested person)

Alberta Human Services

Section:	**15.4 Identifying Information – Right to Disclosure – Adoption Prior to January 1, 2005**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 3

Policy

Identifying information from a sealed adoption record may be released to

- an adult adoptee,
- an adult descendant of a deceased adoptee, or
- a parent of an adoptee.

If a person registers a veto, the veto prohibits the release of identifying information about that person.

Purpose

For all adoptions granted prior to January 1, 2005, s.74(2) allows the PAR to release identifying information from the sealed adoption record provided no veto has been registered.

Procedures

Applying

If a person wishes to apply to receive identifying information from the sealed adoption record, advise the applicant to submit the Request for Release of Adoption Information form [PAR2455] along with 2 pieces of identification, one of which should be photo identification.

The following individuals may apply for the release of identifying information:

- An adopted person who is eighteen years of age or older or their legal guardian
- A birth parent of the adopted person
- An adult descendant of a deceased adoptee

- An adoptive parent under a previous adoption order

Upon receipt of the completed Request for Release of Adoption Information form, the PAR will:

- confirm that the applicant is eligible to apply,
- confirm that the adoption was finalized in Alberta,
- determine if a veto has been registered, and
- release information to the applicant as per s.74.2(2).

To allow the adult adoptee time to register a veto, the adoptee must be 18 years and six months of age before identifying information will be released to the birth parent or the parent of a previous adoption.

Veto

A veto prevents the release of identifying information about the person who registered the veto. A veto [PAR2455v] may be filed with the PAR at any time by the following individuals:

- an adult adoptee,
- a legal guardian on behalf of an adult adoptee,
- a birth parent, or
- an adoptive parent under a previous adoption order

Vetoes which were registered with a licensed search agency prior to November 2004 are honoured. A veto by default filed by a licensed search agency is considered to be a valid veto.

A veto remains in effect from the date it is received until the veto is revoked or the person who registered it is deceased. The Registry will require proof of death of the person who filed the veto.

Deemed Veto

S.74.2(9) allows the Minister to deem a veto if the adult adoptee is not aware of the adoption and the adoptive parent(s) can satisfy the Minister that releasing the adoptee's information would be extremely detrimental to the adoptee.

If the adoptive parents wish to request that the Minister deem a veto, they must write a letter to the PAR, outlining their reasons for their request and providing information as to why releasing the adopted person's information would be extremely detrimental to the adopted person.

The manager will review the information and forward the request to the Minister, along with a recommendation.

If a deemed veto is in effect, it is revoked if the adult adoptee contacts the PAR.

Related Information

Application to Cancel a Disclosure Veto [PAR3576]

Disclosure Veto [PAR2455v]

Request for Release of Adoption Information [PAR2455]

Alberta Human Services

Section:	**15.5 Identifying Information – Right to Disclosure – Adoption on or After January 1, 2005**	Issue Date: October 1, 2011
Subsection:		Revision Date: October 1, 2011
		Page 1 of 2

Policy

The PAR maintains sealed records on all adoptions granted in Alberta.

For adoptions which were granted after January 1, 2005, the PAR may, upon receipt of a written request from an adult adoptee, a descendant of a deceased adoptee, a birth parent or a previous adoptive parent, release personal information from the sealed adoption record.

Purpose

For all adoptions granted after January 1, 2005, s.74.3 allows the PAR to release information in the sealed adoption record. Information on the adoptive parents gathered during the approval process will not be released.

Procedures

Veto

There are no provisions to veto the release of information.

Contact Preference

Any person whose personal information may be in the sealed adoption record may register a Contact Preference [PAR3573] with the Post Adoption Registry. This Contact Preference advises the person requesting information as to how the person wishes to be contacted initially. A Contact Preference does not prohibit the release of personal information and is not binding.

Releasing

The adoptee can request personal information about their birth family upon reaching the age of eighteen years.

In order to allow time for the adult adoptee to register a Contact Preference with the PAR, the adoptee must be eighteen years and six months of age or older before the parent will be given personal information about the adoptee.

Related Information

Contact Preference [PAR3575]

Request for Release of Adoption Information [PAR2455]

Alberta Human Services

Chapter 15: Post Adoption Registry

Section: **15.6 General Release of Information**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

The PAR may release information from a sealed adoption record.

Purpose

The intent is to release information that will assist the adoptee or a sibling of the adoptee to receive services appropriate to meet their needs.

Procedures

General Release

The PAR may:

- release information from the sealed adoption file to a caseworker providing intervention services to an adopted child or the sibling of an adopted child,
- provide information from the Sibling Registry Card and, with Ministerial consent, a copy of the home assessment report to a caseworker,
- release information to the appropriate authorities to establish an adopted child's rights to Indian status, Métis or Inuit rights,
- provide an adoption order to persons named in s.74.4(2) and 74(1) of CYFEA,
- provide confirmation of an adoption to:
  - Director of Maintenance Enforcement,
  - lawyers who are handling estate matters and require confirmation of an adoption in order to settle the estate, or
  - the Office of the Public Trustee in order to assist them in distribution of monetary settlements.

- and provide information from the sealed adoption record to
  - Litigation Services for use in a court proceeding, if the government of Alberta is a party to the proceeding.

Child in Need of Intervention Services

S74.4(7) allows the PAR to release information from the sealed adoption record if an adopted child or a sibling of an adopted child are in need of intervention services.

If an adopted child or a sibling of an adopted child requires intervention services and if information from the sealed adoption record may assist with casework practice, contact the manager of the PAR to obtain information from the adoption record.

The sealed adoption record contains all of the documents that are filed with the court in support of the adoption. Medical and psychological information about the child may be contained in the record but is more likely found in the child intervention record.

Compelling Circumstances

Ministerial consent may be obtained to release information from a sealed adoption record in certain extenuating circumstances.

Each case will be reviewed on an individual basis.

Circumstances may include, but are not limited to; medical confirmation of a serious condition, which if left unchecked could result in permanent disability or death. The information which is released is at the discretion of the PAR.

Chapter 15: Post Adoption Registry

Section: **15.7 Sibling Registry**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
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Policy

In recognition of the need for an adopted child to maintain, to the extent possible, their familial heritage and birth family relationships, the PAR maintains a Sibling Registry for the province.

If a sibling to a child being referred for adoption matching was previously placed for adoption, contact the PAR to determine if the adoptive parents of that child are registered on the Sibling Registry.

Purpose

S.58.1 of the CYFEA indicates matters to be considered when considering placing a child for adoption

Procedures

The Sibling Registry is maintained by the PAR. Encourage adoptive parents to complete a Sibling Registry Card [CS2814] when they adopt a child. This card indicates the adoptive parents' preferences with regard to:

- adopting a sibling,
- fostering a sibling,
- enabling contact among siblings, and
- not being contacted regarding fostering or adopting a sibling to their adopted child.

In all cases, where a sibling of a previously adopted child is brought into care, the caseworker will contact the PAR to determine whether or not the adoptive parents have registered with the Sibling Registry.

Adoptive Parents Registered

If the adoptive parents are registered, the PAR sends a copy of the Sibling Registry card to the caseworker.

If the parents have indicated interest in fostering or adopting a sibling and the caseworker has determined they wish to consider the family, the PAR may release a copy of the previous home assessment to the caseworker.

Adoptive Parents Not Registered

If the adoptive parents have not registered, the Manager, Post Adoption Registry will advise the caseworker accordingly. Upon request of the caseworker, the PAR may make contact with the adoptive parents to determine their interest in the sibling.

If, after contacting the family, the caseworker wishes to pursue the family as a resource for the child, the PAR may release the previous home assessment report to the caseworker.

All information provided by the PAR to the caseworker must be returned to the PAR within sixty days unless special permission has been given by the PAR to retain the information for a longer period.

Related Information

Sibling Registry Card [CS2814] – paper form only, available from the PAR

Alberta Human Services

Chapter 15: Post Adoption Registry

Section: **15.8 Ongoing Information Exchange**	Issue Date: October 1, 2011
Subsection:	Revision Date: October 1, 2011
	Page 1 of 2

Policy

The PAR may facilitate letter and/or picture exchanges between an adoptive family and a birth family.

Purpose

The intent is to allow the sharing of non-identifying information between birth families and adoptive families.

Procedures

Prior to the Adoption Order being granted, ensure that both the adoptive parents and the biological family members have had an opportunity to agree to this exchange.

Information cannot be exchanged without the written consent of **both** parties. If parties express an interest in the exchange of non-identifying information after the adoption has been finalized, have each complete an Ongoing Information Exchange [PAR3578].

If consents are obtained:

- the exchange is usually a yearly event (it is suggested that this occur during the month of the child's birth)
- only pictures and letters will be exchanged; no gifts are allowed to be exchanged

NOTE: the PAR has no ability to enforce this voluntary agreement.

Related Information

Ongoing Information Exchange [PAR3578]

Alberta Human Services